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Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-SEVENTH CONGRESS FIRST SESSION.

SENATE.

THURSDAY, May 5, 1921.

(Legislative day of Wednesday, May 4, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 2373. A bill to authorize association of producers of agricultural products;

H. R. 4586. A bill to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto; and

H. J. Res. 82. A joint resolution ratifying the reestablishment of the boundary line between the States of Pennsylvania and Delaware.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the joint resolution (S. J. Res. 30) to authorize the President of the United States to appoint a representative of the Executive to cooperate with the Joint Committee on Reorganization, and it was thereupon signed by the Vice President.

CALL OF THE ROLL.

Mr. PENROSE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harris	McLean	Shortridge
Brandegge	Harrison	McNary	Simmons
Broussard	Heflin	Moses	Smoot
Bursum	Hitchcock	Myers	Spencer
Calder	Johnson	Nelson	Stanfield
Cameron	Jones, Wash.	New	Stanley
Capper	Kellogg	Nicholson	Sterling
Caraway	Kendrick	Norbeck	Sutherland
Culberson	Kenyon	Norris	Townsend
Cummins	Keyes	Oddie	Trammell
Curtis	King	Overman	Underwood
Dial	Knox	Penrose	Wadsworth
Dillingham	Ladd	Philpotts	Walsh, Mass.
Elkins	La Follette	Pittman	Warren
Fernald	Lenroot	Poinexter	Watson, Ga.
Fletcher	Lodge	Pomerene	Watson, Ind.
Gerry	McCormick	Ransdell	Weller
Gooding	McCumber	Reed	Willis
Hale	McKellar	Robinson	Wolcott
Harrell	McKinley	Sheppard	

Mr. CURTIS. I wish to announce that the Senator from Kentucky [Mr. ERNST] is absent, owing to illness in his family.

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented a petition of sundry members of the Curtis Branch of the American Association, of Columbus, Cardington, Marion, Springfield, New Lexington, Lima, Newark, Sugar Grove, and Nevada, all in the State of Ohio; Watertown, N. Y.; O'Neill, Nebr.; and Flint, Mich., praying for the enactment of legislation for the recognition of the Irish republic, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a resolution of the Central Labor Union, of Kansas City, Kans., favoring the enactment of legislation providing adequate relief for disabled ex-service men, which was referred to the Committee on Finance.

He also presented a memorial of Division No. 708, International Brotherhood of Locomotive Engineers, of Kansas City, Kans., remonstrating against the enactment of legislation imposing a sales or turnover tax, which was referred to the Committee on Finance.

He also presented a memorial of Local Union No. 66, International Brotherhood of Blacksmiths, Drop Forgers, and Helpers, of Rosedale, Kans., remonstrating against the enactment of legislation repealing the excess profits tax law and substituting therefor a sales or turnover tax, which was referred to the Committee on Finance.

He also presented a resolution of Coffey County Rural Letter Carriers' Association, of Burlington, Kans., favoring the enactment of legislation to pay rural letter carriers compensation of \$50 per month for upkeep and maintenance of their equipment for handling the mails, which they now furnish themselves, which was referred to the Committee on Post Offices and Post Roads.

Mr. LADD presented a resolution of the North and South Dakota Wool and Warehouse Association, adopted at a meeting held at Lodgepole, S. Dak., April 14, 1921, favoring the enactment of the so-called Fordney emergency tariff bill, which was ordered to lie on the table.

He also presented a resolution adopted by the State-wide convention held at Devils Lake, N. Dak., favoring the enactment of the emergency tariff bill, which was ordered to lie on the table.

He also presented resolutions of the Minot Rotary Club, of Minot; Grand Lodge Ancient Free and Accepted Masons, of Fargo; and Knights of Columbus, of Grand Forks, all in the State of North Dakota, favoring the enactment of legislation providing adequate relief for disabled ex-service men, which were referred to the Committee on Finance.

He also presented a resolution adopted at a mass meeting of citizens of Fargo, N. Dak., favoring the enactment of legislation for the recognition of the Irish republic, which was referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented a memorial of the Michigan Milling & Beverage Co., of Detroit, Mich., remonstrating against the enactment of legislation imposing a 50 per cent higher tax on cereal beverages, which was referred to the Committee on Finance.

He also presented resolutions of the Kiwanis Club, of Jackson; Albert V. Braden Post, No. 58, the American Legion, of Ishpeming; and the Chamber of Commerce of Traverse City, all in the State of Michigan, favoring the enactment of legislation providing adequate relief for disabled ex-service men, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Grand Rapids, Mich., praying for the enactment of legislation providing adequate relief for disabled ex-service men, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (S. 158) for the relief of certain estates, reported it with an amendment, and submitted a report (No. 33) thereon.

He also, from the same committee, to which was referred the bill (S. 906) for the relief of Reuben R. Hunter, reported it without amendment and submitted a report (No. 34) thereon.

Mr. POINDEXTER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 4903) making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes, reported it with amendments and submitted a report (No. 35) thereon.

Mr. KING. I reserve the right to submit a minority report in regard to the bill which has just been reported. I do not assent to many of its provisions, and when I have time I shall prepare a minority report.

The VICE PRESIDENT. The bill will be placed on the calendar.

RICE PRODUCTION, MILLING, AND MARKETING.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with amendments Senate resolution 56, submitted by the Sen-

ator from Arkansas [Mr. ROBINSON] April 25. I call the attention of the Senator from Arkansas to the resolution.

Mr. ROBINSON. Mr. President, I ask unanimous consent for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments were, in line 3, after the word "respecting," to strike out "agricultural industries, products, and pursuits, the production, manufacture, and market conditions affecting products, particularly"; in line 8, after the words "United States," to insert "to employ stenographers and accountants"; and in line 14, after the numerals "1922," to insert "the expense of said investigation to be paid out of the contingent fund of the Senate and not to exceed \$10,000," so as to make the resolution read:

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, is hereby authorized and directed to investigate conditions respecting the production, milling, and marketing of rice. Said committee or subcommittee shall be empowered to hold hearings in Washington or elsewhere in the United States, to employ stenographers and accountants, to examine witnesses, and to issue subpoenas to compel the attendance of witnesses and the production of books, papers, documents, memoranda, and correspondence. Said committee or subcommittee shall report from time to time its findings and recommendations to the Senate and shall make its final report on or before January 1, 1922, the expense of said investigation to be paid out of the contingent fund of the Senate and not to exceed \$10,000.

The amendments were agreed to.

The resolution as amended was agreed to.

Mr. ROBINSON. I ask leave to insert in the RECORD statements and telegrams relating to the resolution just agreed to.

The VICE PRESIDENT. Without objection, they will be printed in the RECORD.

The matter referred to is as follows:

HON. JOE T. ROBINSON,
Washington, D. C.
LONOKE, ARK., April 29, 1921.

Rice farmers urge that action of rice mills be fully investigated. Farmers have been paid only about one-fifth of cost of production, and many are ruined. No reason why prices have been manipulated as they have. Go to the bottom of matter while at it.

H. A. CYRIER.

Senator J. T. ROBINSON,
Washington, D. C.
DE WITT, ARK., April 26, 1921.

MY DEAR SENATOR: I noticed an account of the resolution you introduced asking for an investigation in agricultural matters, and particularly rice.

It certainly needs it. It may be too late to help these bankrupt people, but may do good in the future. One of my neighbors turned a lot of rice to the mills last fall on toll mill (good rice) and a few days ago received a draft amounting to 2 cents per bushel. Another received 11 cents on 9,000 bushels of good rice. I heard of another who got \$18 for a car of rice. You can find such as this in many cases, and they have never made the advance agreed upon and do not very often settle with the farmers until possibly months after their rice is sold.

I have never heard of such an outrage before. The country is crippled beyond repair. Children are in rags and without sufficient food. Honest men can not pay interest on their debts, can not borrow a dollar, or get credit for supplies. They are feeding rice to their stock and breaking land, but the question of getting fuel is unsolved. About 50 per cent of a crop will be planted, but much of that may not be cultivated on account of inability to get fuel to run the pumps.

I am glad you are taking the step you are and trust that good may come of it. If there is any earthly way to get some relief for our people it should be done, and done quickly.

Sincerely, yours,

J. M. HENDERSON, Jr.

HON. JOE T. ROBINSON,
Washington, D. C.
ALMYRA, ARK., April 28, 1921.

MY DEAR SIR: I sure feel proud that you as our United States Senator have not forgotten us poor rice farmers, for we need something done for us on our last year's steal. The rice crop was all taken up in storage, milling, and freight. I had 2,000 bushels sold, milled, and it netted me \$547.50, about 25 cents per bushel. The balance of my crop I sold for 50 cents. I averaged 80 bushels to the acre, and when the crop was all disposed of it left me \$3,000 behind on the actual running expenses, and can't obtain one dollar to make this crop. There are numbers of rice farmers in this section who did not get enough out of their crops to pay for the seed they planted. Can't see how we are ever to get out of debt; most of us have lost all we have been years making. If you can help us in any way, it will surely be appreciated. The banks will not help us to even pay our taxes. Say they can't get the money, and our taxes are doubled on us on these hard-surfaced roads. I wish you much success as Senator and a long life in that honorable position.

Your constituent,

T. T. HASTY.

AMERICAN FARM BUREAU FEDERATION, ARKANSAS COUNTY,
Stuttgart, Ark., April 26, 1921.
Senator JOSEPH ROBINSON,
Washington, D. C.

DEAR SIR: As a rice grower I want to thank you for the interest you have taken in behalf of us. If you can push this investigation far enough to get the right parties, you will have the everlasting gratitude of every grower in the rice belt.

Very respectfully,

B. E. SWIM.

Mr. JOSEPH T. ROBINSON.

JONESBORO, ARK., April 27, 1921.

DEAR SIR: I want to thank you for the resolution you introduced in the Senate appointing a committee to investigate the rascals who are ruining the rice growers. I hope you will push it to the bitter end.

I am inclosing a clipping from the Democrat so you may know what I have reference to. Doubtless you have read it already. I again thank you.

J. L. BURNS.

Senator JOSEPH T. ROBINSON,
Washington.
HUNTER, ARK., April 26, 1921.

DEAR SENATOR: I see in this morning's Commercial Appeal quotations from your remarks on introduction of move to investigate rice and other farm conditions. I was at the Stuttgart meeting when Mr. Elgner, for the Southern Rice Growers' Association, presented this milling proposition. I made a talk at the close of that meeting, telling them the proposition was impractical, and why, and that it could result only in failure. This Hunter neighborhood shipped thousands of bushels under written agreements with the mills, strictly conforming with the conditions and agreement between the mills and the association. To my certain knowledge the neighborhood has received just \$250 under those contracts. One of my neighbors has accepted under a partial sale of his crop by the mill 39 cents per bushel for as nice a sample of rice as was ever grown in Arkansas. The balance of his crop is in the mill eating itself up, as he has no means to pay milling charges, and the result will be, as he concludes, to lose it all.

Another neighbor who has rice in that mill sent in an order for 22 pockets, to be shipped shipper's order, the mill to collect and apply on his milling, at a price twice what the mill claims his rice is worth. The mill informed him the order was too small to fool with.

Another neighbor, in dire distress, has just sold a lot of rough rice at 25 cents per bushel. It cost him more than twice that amount to thrash and warehouse his rice.

The rice situation is simply appalling. Men here who were considered well fixed for life one year ago have been bankrupted in growing last year's crop. The cotton and rice for the Hunter neighborhood will lose its people half a million of dollars.

But, Senator, none of you are telling us how this thing happened and why? What is the way out, if there is a way? Congressman Fess says it was inevitable, but should have happened two years earlier. Senator CARAWAY tells me he thinks it should not have happened until next year. What I am asking is, if this thing was necessary, then why? If it was done, what was done? Things do not happen; there is always a cause. What is meant by deflation? And how was deflation brought about? You have a judicial mind and can not accept mere assertions. What you want is facts. I take the position that the whole thing was absolutely uncalled for. That, consciously or unconsciously, an appalling crime has been perpetrated on the American people. All of last year's crop practically has been taken from the farmer, and, as you say in your remarks, he will be largely prevented from making one this year. What must be the condition in our big cities next winter with last year's crop wasted and this year's unmade. With best wishes.

Your friend,

WM. PENROSE.

JONESBORO, ARK., April 26, 1921.
Hon. Senator ROBINSON,
Washington, D. C.

DEAR MR. SENATOR: The writer read with great pleasure in to-day's Commercial Appeal that you introduced a resolution demanding inquiry with regard to the most unfair treatment that we "rice farmers" ever experienced in the production, milling, and marketing of our great rice crop in 1920.

I therefore hasten to extend to you hearty congratulations and many thanks for your interest taken in behalf of the rice farmer especially.

Around this vicinity we were really obliged to ship to Memphis rice mill. For example, we shipped for the accounts of three tenants and self seven cars of rice during November and December, 1920, and received about one-third less for all of them than for one car of rice shipped in 1919. Unfortunately we suffered with severe loss in 1919, due largely to the constant rains and floods during the spring and fall of that year.

We received from 1½ cents a pound to about 4 cents a pound after first paying the excessive freight charges of from \$82 to \$92 per car, a distance of 78 miles from my shipping point to Memphis. The mill in addition also deducted \$1 per barrel for milling, 8 cents per barrel to valuation committee, 5 cents per barrel for advertising, or a total of \$1.13 per barrel; also 8 per cent interest for any advances made from date of receipt at the mill, and 10 cents drayage for every bag when sold in small lots, delivered.

Granted that the farmer has but one pay day in the year, we received absolutely "nothing," not even one iota, for our whole year's work and effort to raise food and feed for man and beast. It is the very worst that the rice farmer ever experienced in the history of rice farming in United States of America.

On the other hand, in addition to the mill charging us the ruinous price of \$1 per barrel, while during the war the United States Government allowed them 62 cents per barrel, I believe. The jobber and retailer added their profits on top of it, so the consumer, paying from 5 to 10 cents a pound, while the real producer received virtually nothing at all, or, as you truly stated, making thousands and thousands of rice farmers bankrupt, making it utterly impossible for the latter to even defray the expenses for labor, thrashing expenses, fuel, machinery repairs, excessive rate of interests due on loans—in fact it is utterly impossible. After we hustled and raised a great crop last year, we can not even borrow hardly one penny to plant another crop for 1921.

The average city dweller, laboring, and people throughout the Nation, therefore, have no conception of the treatment the rice farmer obtained last year.

We rice farmers invariably, and I dare state there are no other farmers anywhere who spent money more liberally nor helped to boost their country and vicinity any more than the rice farmer, have accomplished in the fastest growing State of Arkansas.

I, therefore, hope that the rice farmer and other commodities will receive instant consideration and due protection in the future to avoid any repetition. We should also receive enough advances that the rice farmer could obtain sufficient funds to secure seed and fuel for his 1921 crop, or our expensive machineries and equipments, which are

necessary to raise and irrigate the rice (which commodity is still in its infancy to-day), will have to lay idle and a very small percentage of acreage will be planted in consequence.

I have also taken the pleasure of communicating with Senator CARAWAY, who understands fully the many hardships we have already encountered of developing and going through these pioneer stages in this great State of Arkansas.

Again thanking you for your splendid actions taken in our behalf, I beg to remain, wishing you further success and good result for the future welfare of all farming interests, and especially the rice farmer.

Very respectfully,

MORRIS LEVY.

Resolution.

Be it resolved by the rice farmers of the State of Arkansas in convention at Stuttgart, Ark., on the 26th day of January, 1921, as follows:

That a committee, composed of members hereinafter named, be, and it is hereby, appointed for the purpose of discharging the following duties:

For a period of three months from and after this date said committee shall investigate and study the condition of the rice market, both general and local, employing all available and proper means of securing accurate information concerning sales, quotations, and activities of the rice market generally; and said committee shall report at least twice a month by publication in newspapers of the rice-growing communities of Arkansas the result of its investigation, such report showing the prices which market conditions seem to justify, and containing such other recommendations as the committee may deem proper.

All millers and rice-selling organizations are requested to cooperate with such committee by furnishing information desired by it.

Said committee shall also investigate the possibility of improving the present selling organization of rice growers, and will report the result of its investigations in this respect.

The committee shall have the authority to call a meeting of the farmers adopting this resolution at any time deemed desirable.

Said committee is also instructed to send delegates of this convention, to be selected by it, to various other rice-growing communities of this State, for the purpose of urging the farmers of such communities to join in the selling agreement this day executed by farmers attending this convention.

Said committee shall be composed of—

H. D. Dilday, Yoder, Ark.; Ed Herron, Lonoke, Ark.; J. M. Seward, Elm, Ark.; Fred Burnett, Prairie County; T. L. Brown, Craighead County, Ark.; Bert McCuskey, De Witt, Ark.; W. D. Bohnert, Gillett, Ark.; B. E. Chaney, Bayou Meto, Ark.; Will Dickson, Woodruff County, Hunter, Ark.; George Prange and R. E. Short, St. Francis County, Ark.

The member first named shall be chairman.

LONGOKE, ARK., February 1, 1921.

Mr. JOE T. ROBINSON,
Washington, D. C.

DEAR SENATOR: We hand you herewith a copy of the contract entered into by and between the millers and the Southern Rice Growers' Association; also a copy of note signed by the farmers who received advancements under said contract, the said note being made to the mill; also inclosed find a blank the farmers were required to sign, whether they got advances or not, in order to get the rice milled.

All the rice growers in this country are very hard hit, and, in fact, disabled to such an extent that quite a number of them will be unable to farm this year. The situation has become very serious, and no producer knows anything about where he stands.

Notwithstanding rice was delivered as early as the 1st of October and milled shortly afterwards, no producer can receive any report upon his rice whatever. He only receives vague rumors that it is selling as low as 3½ cents per pound, which means about 40 cents to 50 cents per bushel net to him.

You will notice clause 10 of this contract, which provides that out of the first sales the mill is to be paid the amount of the advancements, and as soon as said advancements are liquidated in full the additional amount shall immediately be paid to the producer.

Clause 11 provides that the plant, premises, books, accounts, samples, bins, and warehouses of the mill shall be open for the investigation of the duly authorized agents of the association.

The producer can not get a report on his rice. The mill refuses to permit the officers of the association to examine its books and accounts and refuses to make any report either to the producers or the agents of the association.

It looks very much to us like the head of the association is owned and controlled by the mill, because we know the officers in this place endeavor to do what they can for the producer, but their hands are absolutely tied. Letters are written daily to the head officers of the association, but no replies are received therefrom.

It is reported authoritatively that a great many merchants who handle rice have refused to purchase because the mill invariably shoves off on them last year's crop, which they have on hand, and there are letters out in which they are claiming that they can not ship them this year's crop.

At the time the farmers delivered their rice to the mill they were led to believe that the rice would net them \$5 per barrel for Nos. 1 and 2 and inferior grades accordingly. At that time labor was exceedingly high. The milling charge of \$1, as set forth in paragraph 7 of this contract, was considered unreasonable and excessive, but on account of conditions the farmers finally agreed to same, thinking they would maintain the prices represented to them but not set forth in the contract.

We understand that the price for the rice has been cut about one-half without consulting either the farmers or the Southern Rice Growers' Association. The members of the Rice Growers' Association here state that they have never been advised or agreed to any cut whatever, and if said cut was made it was done at the head office, without the knowledge of these men here.

It looks very rotten to us, and if the Rice Growers' Association have agreed to this reduction of prices without requiring a reduction for milling, we believe the officers higher up have formed a combination with the rice mills. The by-products at this time will pay the milling expenses, as they are selling them high.

For your information the charge heretofore for milling rice, when labor was as high or higher than it is now, was not exceeding 40 cents per barrel and the by-products, and the farmer was receiving a much better price than at the present time. We might further

state that the mills in Lonoke and Carlisle will in all probability mill 350,000 barrels of rice, both mills being owned by the same company. Thus you will readily see that they will realize 300 per cent profit on their investment, while the producers are being pauperized, and the rice industry is being absolutely killed in the State of Arkansas.

They might have sold a great deal of rice on the highest market, and yet if they reported sale on the lowest market the farmer could never know the difference and there is no way for him to find out.

You will note under the contract that the mill agreed to make advancements to the farmers upon delivery of the rice, but a short while after these deliveries were made they advanced on not more than one-half the rice delivered, and they then claimed that they could not make further advancements. They have not advanced any since along in December, and never have, except on a few lots, advanced the amount agreed upon under paragraph 5 of the contract.

On account of their refusal and failure to report and their refusal to advance, there are many rumors of the very low price for which rice is selling, and the rice country is absolutely demoralized. The banks nor the merchants can afford to extend any credit, and all business in this territory is suffering at the present by reason thereof.

While we don't know of our own knowledge, conditions indicate that the farmers will not be satisfied until the full truth is known concerning the matter, and if you can accomplish this result we believe it will be one of the best steps you have ever taken for the producer.

Very truly, yours,

CHAS. G. MILLER.
E. R. HERRON.
R. S. BOYD.
THOS. C. TRIMBLE, JR.

TRIMBLE & TRIMBLE,
LONGOKE, ARK., February 1, 1921.

Senator JOE T. ROBINSON,
Washington, D. C.

DEAR SIR: [I am in receipt of your telegram.] A committee has been organized with a view of protecting the farmers as far as possible, and they have adopted the resolutions inclosed herewith. This committee recently met in Stuttgart and called before it Mr. Paul Daniels, who is on the valuation board located at New Orleans, said valuation board being selected by both the millers and the association, who are to fix the price on all rice sold according to grade.

Daniels says that the rice mills absolutely ignore the prices fixed by the valuation committee and is also against them as to the sale of the rice, and that the rice mills are selling last year's crop owned by them and carried over by them instead of this year's crop owned by the farmers in order to get rid of their rice, and thereby sacrificing the farmer's interest, and invariably where samples of the farmers' rice are sent out separately of this year's rice they send samples of last year's rice at a much lower price. They are using the farmer's rice to dispose of their individual holdings.

We think the investigation should be started at once, and the officers of the Rice Growers' Association as well as the mills should be investigated. From what Daniels says the mills are operated independently and absolutely and entirely ignore the association and have broken their agreement.

This is very important to the farmer, and he should have the information as early as possible and determine whether or not he should accept the sales of the rice that have been made and whether or not he should defend or repudiate his contract for advancements, because they have reported that the advancements are really more than what the rice sold for, in many instances, and at the same time the advancements are less than they actually agreed on.

We understand that there are a number of places in the North where rice has never been placed on the market, and they are not endeavoring to dispose of the farmers' crop. We again call your attention to the fact that while all the farmers understood the milling prices to be high, yet it was made at a time when labor was much higher than at present and with the understanding that they were to receive \$5 per barrel for No. 1 and No. 2 Blue Rose, and like proportion for other grades, when, from the reports we are receiving now, rice is selling for \$2 basis, and they are taking one-half for a milling charge.

The quicker you can get into this matter the better it will be for all parties. I inclose herewith copy of letter just written to E. R. Bagnes, secretary and manager of Southern Rice Growers' Association.

Very truly, yours,

THOS. C. TRIMBLE, JR.

FEBRUARY 8, 1921.

Mr. E. R. BAGNES,
Beaumont, Tex.

DEAR SIR: The rice farmers in this section are very much discouraged at the manner and methods pursued by the mills and the Southern Rice Growers' Association in the disposition of their crop of rice.

At the time this agreement was entered into between the association and the mills the association led the farmers to believe that their rice was to be sold for \$5 per barrel for Nos. 1 and 2 Blue Rose, and from what we are informed, that was the tacit understanding between the mills and the Southern Rice Growers' Association.

At the time of the making of the contract labor was very high, and although the farmers felt that a charge of \$1 per barrel and by-products was exceedingly high, yet they thought if in order to sell the rice the valuation board agreed to a reduction in price of same, there would be a like reduction in the expense of milling and handling said rice.

We understand—through rumors, but not authentic information—that the farmers' rice is being sold for as low as 3½ or 4 cents per pound and that the same price is being maintained for the milling of the rice, notwithstanding labor is reduced in this section of the country at least 65 per cent.

The writer was a director in the Lonoke Rice Milling Co. and they made money milling rice at 40 cents per barrel and by-products, when labor was higher than at present. At this time we think it would be safe to say that the by-products would pay for the operation of the mill, thereby leaving them an opportunity to clear more than 100 per cent on their investment in this section, without any risk or parting with any money whatever except some advancements, which have not been made according to contract.

Although this rice has been milled as early as December and shipped out, the producers have not been able to receive any information concerning same. The producers, in effect, have employed and paid the Southern Rice Growers' Association to keep them advised concerning

this matter, but those who are in the work in this section receive no information from headquarters and seem to be regarded by headquarters as mere figureheads. While we believe they desire to serve the farmers, they, of course, have to receive their authority from headquarters.

We do not know whether it is the desire of the mills to destroy the association or whether it is the desire of the millers and the head officers to destroy the association; we do know that the course now being pursued will accomplish this more efficiently than any other course that could be pursued.

In the first place, we think if the Southern Rice Growers' Association has decided to reduce the price to lower than \$5 per barrel such proposition should be submitted to the farmers, through the said association, that they may be given some consideration in the handling of their own products.

Second, if the mills are selling this rice at a lower price than agreed upon according to the contract, then they have committed a breach of their contract, and farmers could not be required to pay more than a reasonable charge for the milling of the rice, and the farmers should be advised of this fact before closing up any deal with the rice mills for selling same.

In order that we may be able to do our bit to prevent all unjust and unfair criticism toward the association, we would like to hear fully from you concerning this matter, as we represent a number of the largest farmers in this section, and if we do not hear from you at an early date we can not do otherwise than take for granted the rumors we are hearing are true and will immediately take such steps as we think advisable to protect the farmers.

Very truly, yours,

WEINER, ARK., May 1, 1921.

Senator JOE T. ROBINSON,
Washington, D. C.

DEAR SIR: I notice you have introduced a bill asking for an investigation of the Southern Rice Growers' Association and the rice mills in the rice district of the United States.

I believe I can say to you that there are very few, if any, rice farmers in the district who would not approve of this investigation, and this move should put them under lasting obligations to you, as we rice farmers didn't even get the "three spot" in this deal.

It is useless for me to go into detail, as you are from the rice district and are fully aware of the detail.

I just want to express my appreciation to you for this move and to assure you that all rice farmers appreciate it.

Yours, truly,

W. P. DOWNING.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 1607) to establish a department of public welfare, and for other purposes; to the Committee on Education and Labor.

By Mr. POINDEXTER:

A bill (S. 1608) for the relief of Frederick W. Seidell; to the Committee on Claims.

A bill (S. 1609) providing for the survey and reclamation of arid, swamp, and logged-off lands within the continental limits of the United States, and the sale of same upon a system of deferred payments to soldiers and other citizens; to the Committee on Irrigation and Reclamation.

By Mr. LODGE:

A bill (S. 1610) to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.; to the Committee on Finance.

A bill (S. 1611) to carry out the findings of the Court of Claims in the case of George T. Sampson, survivor of the firm of George T. & Augustus Sampson, against the United States; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 1612) to regulate the sale of bonds, stocks, and other evidences of interest in or indebtedness of corporations or associations in interstate commerce, and to amend an act approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes"; to the Committee on Interstate Commerce.

By Mr. ELKINS:

A bill (S. 1613) authorizing the Secretary of War to loan tents and other camp equipage to recognized organizations of World War veterans, and for other purposes; to the Committee on Military Affairs.

By Mr. McKELLAR:

A bill (S. 1614) to reinstate Samuel Cleage Field as a midshipman in the United States Naval Academy; to the Committee on Naval Affairs.

A bill (S. 1615) to amend section 13 of an act known as the Federal reserve act, approved December 23, 1913; to the Committee on Banking and Currency.

By Mr. BALL (by request):

A bill (S. 1616) for the repression of prostitution in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KING:

A bill (S. 1617) to fix the dates for the regular sessions of Congress; and

A bill (S. 1618) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. PHIPPS:

A bill (S. 1619) to authorize the Secretary of War to transfer certain material, machinery, and equipment to the Department of Agriculture; to the Committee on Military Affairs.

A bill (S. 1620) granting to the State of Colorado 2,000,000 acres of public land to aid in the maintenance of a system of public roads; to the Committee on Public Lands and Surveys.

By Mr. CALDER:

A bill (S. 1621) for the relief of estate of Anne C. Shymer; to the Committee on Claims.

By Mr. HARRISON:

A bill (S. 1622) granting a pension to Lavinia L. Tagert; and

A bill (S. 1623) granting an increase of pension to Malcom C. Rogers; to the Committee on Pensions.

By Mr. WILLIS:

A joint resolution (S. J. Res. 50) to authorize the Secretary of War to loan cots to the Ohio State encampment, Grand Army of the Republic (with accompanying papers); to the Committee on Military Affairs.

By Mr. KNOX:

A joint resolution (S. J. Res. 51) ratifying the reestablishment of the boundary line between the States of Pennsylvania and Delaware (with an accompanying paper); to the Committee on the Judiciary.

WILLIAM J. BOYD AND OTHERS.

Mr. LODGE submitted the following resolution (S. Res. 66), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the contingent fund of the Senate to William J. Boyd, Joseph B. D. Boyd, Mary Jane Saunders, and Margaret A. Raum, brothers and sisters and next of kin of George H. Boyd, late superintendent of the document room of the Senate of the United States, a sum equal to one year's salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

HEARINGS BEFORE COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS.

Mr. McCORMICK submitted the following resolution (S. Res. 67), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Expenditures in the Executive Departments, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-seventh Congress to send for persons, books, and papers, administer oaths, and to employ a stenographer and an accountant to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate and at such time and place as it may deem necessary, the expenses of travel incident to the sessions of said committee or any subcommittee thereof to be paid from the contingent fund of the Senate; for this purpose there is appropriated from the contingent fund of the Senate \$10,000, or as much thereof as may be necessary.

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by title and referred to the Committee on the Judiciary:

H. R. 2373. An act to authorize association of producers of agricultural products;

H. R. 4586. An act to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto; and

H. J. Res. 82. Joint resolution ratifying the reestablishment of the boundary line between the States of Pennsylvania and Delaware.

PORT OF CHARLESTON, S. C.

Mr. DIAL. Mr. President, I desire to have inserted in the RECORD a short statement from the Wall Street Journal of recent date with respect to the advantages of Charleston, State of South Carolina, as a port.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

"A BIG FUTURE FOR CHARLESTON—HOLLAND WRITES IN WALL STREET JOURNAL OF OUR DEVELOPMENT AS A PORT.

"['Holland' in the Wall Street Journal.]

"Norman B. Ream a few months before his death spoke of the construction of the railroad which he promoted from the Clinchfield coal district to Spartanburg, S. C., where connection was made with a railroad whose terminal is at Charleston. Mr. Ream said the Charleston terminal especially appealed to the men of finance who were building the Clinchfield Railroad,

because in their opinion Charleston possessed natural advantages which would in time make that city one of the most important ports upon the Atlantic coast.

"In earlier days Charleston was a highly cultivated social community, which depended chiefly for its prosperity upon agriculture, especially cotton. Not until long after the Civil War was ended did the citizens of Charleston realize that the city and its vicinity were in possession of facilities which could be followed by such growth as would enable it to compare favorably with any port upon the Atlantic coast south of Baltimore, and, in fact, with any upon the Gulf coast, except New Orleans.

"The railroad was constructed with very large terminal facilities at Charleston for handling all the coal it could carry from the Clinchfield district. The presumption was that much of this coal would be exported, and in this presumption the promoters of the railroad were correct. Charleston already had one industry, for men of capital had established large fertilizing factories there, chiefly because of an abundant supply of phosphate rock.

"Now another industry whose plant, almost completed, will rank as the largest new plant of that kind in the United States, is established at Charleston, and operation has already been begun. This is an oil refinery.

"WHY CHARLESTON WAS SELECTED.

"It is to the capital, energy, and foresight of Walter Clark Teagle, A. C. Bedford, and their associates in the Standard Oil Co. of New Jersey, that the establishment of the great refinery at Charleston is due. President Teagle and his associates made choice of Charleston as a place to establish the largest modern refinery because in their opinion the city and its vicinity furnish a strategic point for supplying a very large area which heretofore has been supplied with petroleum products from Baltimore and from Bayonne.

"Mexico furnishes most of the crude oil which is of especial value in producing asphalt and road oils. Therefore, it is Mexican oil exclusively which will be brought to this great refinery and converted into asphalt, road oils, and fuel oils. The location is not upon the harbor front. It is about 2 miles from the business section of Charleston. It was chosen because the Cooper River on the one side and the Ashley River upon the other give adequate deep-water facilities and convenient approach to the outer harbor and to the sea.

"In the summer of 1919 the Standard Oil Co., having purchased all the land that was needed, began construction work. The hope was that it would be completed by January of this year. There was some disappointment because January 1 passed without an announcement that the work had been completed. But it was substantially completed, and before the end of this year this greatest of new refining plants in the United States will be in full operation.

"WHEN THE CRUDE OIL FIRST CAME.

"The plan was, however, so far completed in November of last year that it was possible to receive the first cargo of Mexican crude oil. This amounted to 68,000 barrels and the stills which were already completed were charged with this oil on Christmas Day. Probably within another year many ships whose occupation it is to carry fuel oil to the markets will put in at Charleston for supplies. The belief is that Charleston will within a year or two be recognized as one of the most important ports for bunkering ships.

"It is only a short distance from this plant to the terminals where now is established one of the largest coal bunkering plants on the Atlantic seaboard. This plant represents the energy and foresight of Norman B. Ream and his associates. It is equipped with the latest apparatus which makes it possible to load, by hoisting and tipping machines which are the largest in use anywhere, a carload at a time into the bunkers or holds of a vessel.

"These two enterprises will speedily bring Charleston to a preeminent position in certain forms of industry and her fine harbor will be alive with vessels passing up to the refineries and to the coal elevators and passing out to South America and the West Indies."

ORDER OF BUSINESS.

Mr. PENROSE. Mr. President, I am informed that it is the purpose of several Senators to address the Senate upon matters in no way relating to the unfinished business before the Senate. I desire to call attention to the fact that yesterday the Senate was compelled to take a recess early in the afternoon and those speeches might well have been delivered then, the Senate remaining in session.

In view of the widespread sentiment in this body for the prompt passage of the tariff measure and the urgent demand,

particularly from the southern and the western sections of the country, from the agricultural sections of the country, for the prompt passage of the bill, I hope that any Senator who has a purpose to address the Senate upon matters in no way relating to this measure of paramount importance will weigh the matter very carefully as to its urgency so that it may not unduly delay the bill.

Several hours were left yesterday for academic discussion about other matters which were not taken advantage of, and now I am informed that at the beginning of the session this morning a delay unestimated is about to be incurred. Of course, under the rules of the Senate it is impossible to restrict a Senator as to what he may say. I simply wish to call the attention of the Senate and of the farming interests of the country at large to the situation.

MIDSHIPMEN AT NAVAL ACADEMY.

Mr. POMERENE. Mr. President, I am greatly obliged to my distinguished friend for the curtain lecture I have received, but I have a matter that I expect to present to the Senate very briefly, because if any relief is to be granted it is necessary that action should be taken promptly. I refer to Senate resolution 65, submitted by me yesterday.

I recognize the interest that some gentlemen have in the pending emergency tariff bill and some gentlemen are urging its speedy enactment who are no more interested in it and have no higher regard for it than have I.

I may say that I stated on yesterday that I expected this morning to make some observations upon the resolution, and I then called the attention of the ranking Republican member of the Finance Committee to the fact that I expected to discuss the resolution briefly this morning. I am not in the habit of filibustering or of delaying proceedings, and I would not discuss this matter if I did not think it was of some moment to the country.

On yesterday I submitted Senate resolution No. 65, asking that the Committee on Naval Affairs be instructed to investigate and report—

(1) What, if any, further legislation is advisable regulating the examinations of midshipmen at the United States Naval Academy.

(2) What, if any, relief should be extended to the midshipmen who were required to submit their resignations as midshipmen because of their failure to pass certain required reexaminations held during the month of March, 1921.

There are two terms in the academic year at the Naval Academy. The one ended this year on Saturday, January 29; the second term began on January 31. At the examinations held at the end of the first session 286 midshipmen failed. Of this number there were 19 in the first class, 76 in the second class, 41 in the third class, and 150 in the fourth class.

A reexamination was held later under a statute which was passed and approved on June 5, 1920. As a result of that reexamination there were 110 failures. Sixteen midshipmen were not reexamined because they were in the hospital; 1 man in the first class failed, 24 in the second class failed, 8 in the third class failed, and 77 in the fourth class failed.

The reexamination was held in pursuance of an amendment which was added to the deficiency appropriation bill approved June 5, 1920, which reads as follows—and Senators who are interested will observe that it is rather obscure and somewhat involved—

That until otherwise provided by law no midshipman found deficient at the close of the last and succeeding academic terms shall be involuntarily discontinued at the Naval Academy or in the service unless he shall fail upon reexamination in the subjects in which found deficient at an examination to be held at the beginning of the next and succeeding academic term, and the Secretary of the Navy shall provide for the special instruction of such midshipmen in the subjects in which found deficient during the period between the academic terms.

Senators will observe that this provision requires the Secretary of the Navy to provide for the additional instruction, and it says "between the academic terms"; but in this case between the first term and the second term there were only two days. The first term ended on Saturday, January 29, and the second term began on the following Monday. The academy authorities, however, did provide for instruction, which was taken during the second academic term; but, as those Senators who are familiar with the conditions at the Academy will know, these young men have about all the work they can do without taking on extra work during the term.

Mr. President, prior to the adoption of the amendment to the deficiency bill which I have read, section 1519 of the Revised Statutes seemed to control. That section provides:

Cadet midshipmen found deficient at any examination shall not be continued at the academy or in the service unless upon the recommendation of the academic board.

The rule which has prevailed in the academy has been that under section 1519 when young men failed at their examinations

they have been, as a rule, dropped back into the next lower class and given an opportunity to continue their studies. As we all know, sometimes the result of an examination is not the boy's fault. It may be due to the condition of his health, or it may be due to the incompetency of the instructor or examiner as well as to the incompetency of the boy.

The academy authorities were very much opposed to the amendment of June 5, 1920, which gave an opportunity for further instruction and for further examination. It seemed that, instead of following the rule which had theretofore prevailed that midshipmen when they failed to pass an examination would be permitted to drop back into the next lower class, the academy authorities were not pleased with the amendment which gave an opportunity for further instruction and a second examination, and so, while these boys were given further instruction during the term and not at the end of the academic year, those who failed were instantly required to hand in their resignations, or, failing so to do, they would be dropped. On March 21, in the evening, notice was sent to the boys who had failed that if their resignations were not in by the following morning, they would be immediately dropped.

Mr. ROBINSON. Mr. President, will the Senator yield for an inquiry?

Mr. POMERENE. I yield.

Mr. ROBINSON. Was that notice sent to all the students who had failed to pass the examinations?

Mr. POMERENE. I so understand, although I am not fully advised as to that.

Mr. ROBINSON. Does the statute to which the Senator has referred require that all students failing in the examination shall be given a second opportunity—that is, an opportunity to drop back into the next lower class?

Mr. POMERENE. No; that is the difficulty. It simply provides for instruction and a second examination in order that they may have an opportunity to continue with their class.

Mr. ROBINSON. But that requirement applies to all students who fail in the first examination?

Mr. POMERENE. It applies to all students who fail in the first examination.

Mr. ROBINSON. The Senator, of course, realizes that by the process of examination a number of students who gain admission to the academy in the first instance demonstrate their unfitness to continue as students.

Mr. POMERENE. Undoubtedly so.

Mr. ROBINSON. Undoubtedly there is a necessity for a weeding-out process—

Mr. POMERENE. Undoubtedly so.

Mr. ROBINSON. It being the policy of the Government to admit into the naval service only men of first-class character and mentality.

Mr. POMERENE. Yes; and the percentage of failures is comparatively small, as I understand.

Mr. ROBINSON. Will the Senator state approximately what the average is?

Mr. POMERENE. I can give that information to the Senator in just a moment.

Mr. ROBINSON. My impression is that in some of the classes the percentage of failures has been very high, indicative of the fact that the students are lacking, at least in some instances, of the mental or physical capacity to finish the course.

Mr. POMERENE. I can give the Senator some information on the subject. Of the student body the percentage dropped for deficiency in studies during the year 1918-19, including those dropped after examination, was 4.5; in 1919-20 the percentage dropped was 6.3; and in the year 1920-21 at the end of the first term the percentage so far dropped is 5.1. But the matter about which I am complaining most is not the result of the examination, but because, while boys who have failed heretofore in the classes above the fourth class have been permitted to drop back into the class below, that privilege has been taken away from these boys, and they have been dropped after having been given notice to hand in their resignation. Under the rules now prevailing the boys who have failed were not even permitted to telephone to their parents or their friends, and when one of these boys asked the privilege of telephoning—I think to his Representative in Congress, as I remember the facts—before he handed in his resignation, he was peremptorily refused.

Mr. ROBINSON. Of course the only purpose he could have had in telephoning his Representative in Congress was to secure political influence.

Mr. POMERENE. That may or may not be so.

Mr. ROBINSON. I assume that if he telephoned his Representative in Congress that would be his purpose.

Mr. POMERENE. He may have felt that he wanted to consult with some one.

Mr. ROBINSON. In the case of a student who had been dropped back into a lower class and given a second opportunity, the Senator would not think that he ought to be given a third opportunity if he failed the second time, would he?

Mr. POMERENE. That depends upon the circumstances; it depends upon whether or not they have the right kind of instructors in some of the departments of study.

Mr. SPENCER. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. POMERENE. I yield.

Mr. SPENCER. Will the Senator be kind enough to tell me whether or not it is a fact that the large majority of the midshipmen who were dropped were dropped because of failure in one particular study?

Mr. POMERENE. Mr. President, that is true; and the branch of study was electricity.

Mr. SPENCER. Does not that suggest to the Senator the possible conclusion that where there are a large number of men who are passing in every subject except one, the fault does not lie with the men but lies with the instruction which they have received in that department?

Mr. POMERENE. Unquestionably so; and I think I can say that even among the faculty in the Annapolis Academy it is commonly understood that in this particular branch of the curriculum some of those instructors do not measure up to the standard.

Mr. President, it is understood that after this amendment was passed, on June 5, 1920, immediately there was opposition to it among the faculty; and it is commonly whispered about that they are going to try to enforce the repeal of this amendment which provides for additional instruction and subsequent examination. I should find no fault with this if these young men had had the opportunity to drop back into the next lower class and go on. But this is what has occurred:

I have in mind one young man who received a grade of 2.49. The grading is on a scale of 4. The passing grade is 2.50; so that this particular young man was two one-hundredths of 1 per cent below the passing grade. Under the rule as it had prevailed before and as it was enforced by the academic board, this young man would have been permitted to drop back into the next lower class.

Mr. POINDEXTER. Mr. President—

Mr. POMERENE. Pardon me a minute. He was not permitted even to continue his studies until the end of the year, however, but at the end of the first semester he was given his second examination, and his second examination was a few one-hundredths of 1 per cent below the 2.48, and immediately he was dropped.

I now yield to the Senator from Washington.

Mr. POINDEXTER. Has the Senator any objection to giving the name of the young man to whom he refers?

Mr. POMERENE. I do not feel that I should like to do that now. I have no objection to giving the information to the committee later on, if it is so desired.

Now, Mr. President, I desire to call the attention of the Senate briefly to the feeling which seems to prevail over there as against this new legislation and the insistence on their part that they shall have absolute control without respect to the wishes of Congress. I agree that this new section should be amended so as to make it perfectly clear and not admit of any possible misconception. I think everyone must see that the purpose of Congress in passing this amendment was to give these boys an opportunity for a second examination—a rule which prevails in nearly every institution of learning that I know anything about—so that they may continue with their class, and in the event that they do not do that they may drop back into the next lower class.

Admiral A. H. Scales on June 24, 1920, wrote a letter to the Secretary of the Navy. Now, bear in mind, please, that the midshipmen had just had their annual examinations the last week in May, and this law was passed on June 5. Some of these young men were dropped. He wants the views of the department. He says:

It is requested that a decision be obtained from the Judge Advocate General of the Navy on the following points in connection with the above references:

First. In view of the provision of the Revised Statutes, sections 1519-1525, which says: "Midshipmen found deficient shall not be continued at the academy or in the service unless upon the recommendation of the academic board"; and in view of its intent, is the act of Congress referred to in reference (a) valid as against the provision of the Revised Statutes above noted?

Second. Provided it is—

That is, provided this new statute is valid—can the academic board drop a deficient midshipman at the close of the semiannual examinations without failure on a reexamination?

It indicates clearly their determination to get rid of these young men.

Third. Having recommended certain midshipmen to be dropped on account of being deficient at the annual examinations in 1920, can the academic board change that recommendation and turn those midshipmen back into the next lower class?

Fourth. Having instructed the deficient midshipmen and reexamined them after instruction, according to the clause contained in the deficiency bill, can the academic board turn them back if they pass satisfactorily, in view of the fact that other better and more qualified midshipmen have already been turned back from the same class?

In other words, notwithstanding the fact that it was the intention of Congress that they should be given an opportunity for instruction and a second examination, he wants to know, even if they pass satisfactorily, whether they can be turned back.

Fifth. Since the act of Congress referred to in reference (a) rescinds action which was taken by the academic board under the provisions of the Revised Statutes, sections 1519-1525, prior to the enactment of the clause contained in the deficiency bill, a decision is requested as to its validity in view of its possible retroactive provision.

I have here the letter which was written in answer to this by Admiral R. E. Coontz, Acting Secretary, and I ask permission to incorporate it in my remarks without reading.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

DEPARTMENT OF THE NAVY,
Washington, 12 July, 1920.

From: The Secretary of the Navy.

To: The Superintendent of the United States Naval Academy.

Subject: Midshipmen found deficient in the annual examinations, 1920, disposition of under deficiency appropriation act, approved 5 June, 1920.

References:

(a) Department's letter N-46D-G of 9 June, 1920.
(b) Superintendent United States Naval Academy letter M-S-GS, 118-91-2 of 18 June, 1920.

(c) Bureau's letter N-4 PW-G of 22 June, 1920.
(d) Superintendent United States Naval Academy letter S-M-S-118-91-2 of 24 June, 1920. Approved by Secretary of the Navy, 25 June, 1920.

(e) Deficiency appropriation act, approved 5 June, 1920.
(f) Revised Statutes, section 1519.

1. (a) Under the provisions of reference (f) midshipmen found deficient at any examination may not be continued at the Naval Academy or in the naval service except upon the recommendation of the academic board that said midshipmen may be so continued. In the absence of a favorable recommendation of the academic board, therefore, such midshipmen as fail to pass any examination at any time during their continuance at the academy are dropped ipso facto from the academy and from the service.

(b) Under Chapter XVI of the Regulations of the United States Naval Academy of 1 June, 1920, as approved by the Secretary of the Navy and authorized by law, the academic year begins 1 October of each year and ends 31 May of the following calendar year. The academic year is divided into two terms: From 1 October to the Saturday nearest to 31 January of the next calendar year, constituting the first term, and from the close of the first term on the Saturday nearest to 31 January to 31 May of the same calendar year, constituting the second or last term thereof. It is noted that under the arrangement no period is provided for between the first and last academic terms, and none, in fact, exists.

(c) Although the provision of reference (e) affecting the discharge of midshipmen from the Naval Academy and from the naval service, which was not drafted in this department, has been so poorly drawn that it is necessary to read into it a number of words which have been omitted therefrom, and to omit therefrom others which have been inserted, in order to give it the meaning which Congress apparently intended to convey, in the opinion of the department the purpose of said provision is to prevent the discharge of midshipmen from the Naval Academy and the naval service who are found deficient in the annual examination held at the close of last academic year and at the close of each succeeding academic year, except after failure to pass a re-examination in the subjects in which found deficient, said examinations to be held at the beginning of the next succeeding academic year after special instruction during the period between said academic years in the subjects in which found deficient.

(d) Although said provision of reference (e) specifies "academic terms" instead of "academic years," the absence of any period between the first and (second) last term of an academic year in which special instruction could be provided makes it obvious that the term "academic years" and not "academic terms" was intended. Further, that the words "involuntarily discontinued at the Naval Academy" were intended for "discharged from the Naval Academy"; and that the words "the Secretary of the Navy shall provide for special instruction of such midshipmen in the subjects in which found deficient during the period between academic terms," were intended to require special instruction during the period between "academic years" in the subjects in which said midshipmen had been found deficient upon examination at the close of the academic year next last past. Any other interpretation would render said provision incapable of administration.

2. In view of the foregoing the queries set forth in reference (d) are answered seriatim as follows:

First. The provision of reference (e) affecting the discharge of midshipmen from the Naval Academy and from the naval service is valid regardless of reference (f), and prevents the discharge of midshipmen on account of having been found deficient in their studies at the examination held at the close of the academic year, except after special instruction, during the period intervening between said academic year and the academic year next thereafter following, in the subjects in which found deficient and their failure to pass a reexamination in said subjects held at the close of said period.

Second. This query is answered in the affirmative and to that extent reference (f) remains in full force and effect. Any other interpretation renders said provision of reference (e) inoperative.

Third. This query is answered in the affirmative, reference (e) having left said recommendation incapable of execution, but said reference has in no wise affected the power of the board to turn such midshipmen back into the next lower class where such action is necessary for the good of the service.

Fourth. This query is best answered in this manner: Although the board undoubtedly has this power and it should be exercised if the good of the service requires such action, such action is not deemed proper or advisable where said reexaminations have been passed satisfactorily.

Fifth. In view of the fact that said midshipmen had not been dropped either from the academy or the service prior to the enactment of reference (e) they can not now be dropped therefrom for failure to pass their annual examinations, except as therein provided, but they may be turned back to the next lower class and the special instruction provided for during the period between the academic years may be dispensed with.

R. E. COONTZ, Acting.

Mr. WATSON of Georgia. Mr. President—

Mr. POMERENE. Pardon me a moment.

Mr. MOSES. Will the Senator state the substance of the letter to which he has just referred?

Mr. POMERENE. It is pretty difficult to state the substance of this without giving the whole of it. If the Senator desires, I shall be very glad to have it read; but I will give the substance of only a part of it.

It suggests that the purpose of the Congress was to have this instruction given during the vacation, so that the midshipmen would have a proper opportunity to pursue their studies and an opportunity to be reexamined. In other words, Admiral Coontz points out that it is impossible to give effect to what was the intention of the Congress if you try to construe the act of 1920 literally. In other words, it speaks here of instruction between the academic terms. There is only the Sunday between the end of the first term and the Monday which is the beginning of the second term.

Mr. WATSON of Georgia. Mr. President, will the Senator permit me to ask him a question?

Mr. POMERENE. Yes.

Mr. WATSON of Georgia. Has the Senator found, in his investigation of the dropping of these young men from the academy, apparently capriciously, arbitrarily, without giving them a fair show, any traces of discrimination, either political or religious?

Mr. POMERENE. Oh, Mr. President, I have found nothing that would give either a political or a religious slant to the results over there. Nothing of that kind has been brought to my attention; but I think I may say that the principal difficulty is that they have determined that they are going to ignore this last act of the Congress of the United States if they can.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDING OFFICER (Mr. STELLING in the chair). Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. POMERENE. I yield to the Senator.

Mr. WALSH of Massachusetts. Will the Senator state, if he knows, the practice of the Military Academy at West Point?

Mr. POMERENE. I am not entirely clear as to that, but I understand that opportunity is given for full instruction.

Mr. WALSH of Massachusetts. And that they are dropped back to a lower class?

Mr. POMERENE. Yes; they are usually dropped back, and that was the practice here in the Naval Academy until this act was placed on the statute books; and I have a suspicion that while it is an offense for midshipmen to haze one another, there is an attempt here by the academic board to haze the Congress of the United States.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. POMERENE. I yield.

Mr. McKELLAR. I just wanted to inquire if the Senator had considered or prepared any bill that he thought would remedy this situation? It seems to me it would have to be done by a bill; and I hope the Senator will take into consideration the fact that a number of the boys who were dismissed have already arrived at the age of 20 years, which is the limit when boys can be admitted under the law and under the rules and regulations, so if they were appointed again I am told that, even though they may have served for more than two years, they could not be allowed to enter under the law as it is. In preparing a bill I hope the Senator will take that into consideration.

Mr. POMERENE. Mr. President, I presented this matter in the form of a resolution asking the Naval Affairs Committee to investigate and ascertain what, if any, additional legislation there should be and what, if any, relief should be granted to these young men. I think we ought to have a report from the committee bearing upon this subject.

Mr. President, the opinion of Admiral Coontz was somewhat modified by the opinion of the Attorney General, given under date of September 2, 1920, and I should like to have both of these opinions incorporated in the RECORD for the information of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

The opinion of the Attorney General is as follows:

DEPARTMENT OF JUSTICE,
Washington, September 2, 1920.

The honorable the SECRETARY OF THE NAVY.

SIR: It appears by your communication of August 26, 1920, that a number of midshipmen were found deficient at the annual examinations at the close of the academic term, held May 24-29, 1920, and were not recommended by the academic board to continue at the academy or in the service. The finding of the academic board was approved by the Secretary of the Navy on June 1, 1920, and in conformity with existing policy those midshipmen recommended to be discontinued were notified that their resignations would be accepted if tendered immediately. Each midshipman so affected submitted his resignation and the acceptance thereof signed prior to June 5, 1920.

In the meantime, and prior to the mailing of acceptance by the Secretary of the Navy, an act of Congress was approved by the President on June 3, 1920 (Public, No. 264), which provided, among other things, as follows:

"That until otherwise provided by law no midshipman found deficient at the close of the last and succeeding academic terms shall be involuntarily discontinued at the Naval Academy or in the service unless he shall fail upon reexamination in the subjects in which found deficient at an examination to be held at the beginning of the next and succeeding academic terms, and the Secretary of the Navy shall provide for the special instruction of such midshipmen in the subjects in which found deficient during the period between academic terms."

Section 1519 of the Revised Statutes of the United States provides as follows:

"Cadet midshipmen found deficient at any examination shall not be continued at the academy or in the service unless upon the recommendation of the academic board."

In view of the foregoing, you request an opinion on the following questions:

(a) In view of the above section of the Revised Statutes (1519), are midshipmen who were found deficient at the annual examinations held Monday to Saturday, inclusive, 24-29 May, 1920, and were not authorized by the recommendation of the academic board to continue at the academy or in the service, said finding having been approved by the Secretary of the Navy 1 June, 1920, entitled to the benefits of the provisions of the act approved 5 June, 1920, above quoted?

(b) In case your answer to the above question is in the affirmative, is the Secretary of the Navy, under said provision of Public No. 264, Sixty-sixth Congress, bound to provide special instruction for such midshipmen in the subjects in which found deficient at the last annual examinations, when said midshipmen have not been dropped from the rolls at the academy or from the service but have been turned back into the next lower class? In other words, is the Secretary of the Navy bound to furnish the special instruction provided for under said act under any circumstances other than prior to dropping such midshipmen from the rolls of the academy or from the service as have been found deficient at the annual examinations?

(c) Has section 1519 of the Revised Statutes been repealed by the provisions of Public No. 264, Sixty-sixth Congress, above quoted, or does said section continue applicable to the case of a midshipman found deficient at the semiannual examinations? In other words, will midshipmen found deficient at the semiannual examinations be dropped from the rolls of the academy or the naval service as provided by section 1519 of the Revised Statutes if they are not recommended by the academic board to be continued at the academy or in the service?

(d) Does the act, Public No. 264, Sixty-sixth Congress, prevent the academic board from turning midshipmen found deficient at any examination back into the next lower class for the purpose of requiring said midshipmen to pursue said course for another year, as now provided for in part 1, chapter 4, of the Regulations of the United States Naval Academy, 1920?

(a) The portion of Public No. 264 quoted makes no provision for the appointment of the midshipmen found deficient upon examination, whose retention at the academy had not been recommended by the academic board, and no such provision appears elsewhere in the act.

Midshipmen are officers of the United States (25 Opins. A. C., 579, citing *Hartigan v. United States*, 196 U. S., 169), although not necessarily officers of the Navy.

In the cases under consideration the resignations of the midshipmen had been duly submitted and accepted by the Secretary prior to the passage of the act, and their relations with the Naval Academy severed (19 Opins. A. G., 350), it being immaterial whether the acceptances had been mailed prior to the passage of the act.

The reinstatement of these midshipmen could not take place otherwise than by appointment by the Secretary of the Navy (19 Opins. A. G., 250 supra), and the provision, in so far as it is intended to affect those midshipmen who had been discontinued at the Naval Academy for deficiency in the May, 1920, examinations, by reason of the provisions of section 1519 of the Revised Statutes not containing authority to the Secretary of the Navy to reinstate them by appointment, is contrary to the provisions of the Constitution relating to the appointment of officers of the United States (U. S. v. *Germaine*, 99 U. S., 608; U. S. v. *Monat*, 124 U. S., 303, 307).

(b) The preceding question being answered in the negative, it is unnecessary to answer this question.

(c) The quoted provisions of Public No. 264, in so far as they are not retroactive, are amendatory of section 1519, United States Revised Statutes, and provide for a second examination of the midshipmen found deficient at the examination at the close of the term, before the academic board shall pass upon the question of whether they shall be continued at the academy. It applies equally to the annual and semiannual examination, for the expression "term" and not "year" is used in the act.

Section 116, Regulations of the United States Naval Academy, 1920, provides as follows:

"The academic year shall begin October 1 and end May 31, consisting of two terms; the first term from October 1 to the Saturday near-

est to January 31, and the second term from the close of the first term to May 31."

The period intervening between the first term and second term this year amounts to one day, which is Sunday, so that the amount of special instruction which could be imparted to midshipmen found deficient at the semiannual examination would be practically negligible, but an interpretation of the act requires that they be allowed to take a second examination. However, as there will be another session of Congress before the next semiannual examinations occur it is possible that remedial legislation can take place in the meantime.

(d) The act, in its retroactive scope, was intended to affect only those midshipmen found deficient at the examination whose retention had not been recommended by the academic board. At the time that the act took effect the academic board had already recommended that those midshipmen who were turned back into the next lower class be continued at the academy and in the service.

I have the honor to be,

Respectfully,

A. MITCHELL PALMER,
Attorney General.

Mr. POMERENE. Mr. President, one of these boys who failed, as I understand, failed in French by a few hundredths of 1 per cent. After having been in the academy several years, as most of these 33 boys were—some one year, some two years, some three years—the Government has an investment in these boys. It seems to me that when the academic board heretofore thought that it would be a wise thing to drop the boys back, if they failed, into the next lower class, and when the Congress was of the opinion that if they failed in an examination it would perhaps operate more justly if these boys could be given an opportunity for further study and reexamination so as to continue with their class, it was wholly unjust, in view of the relief which Congress sought to give these boys, that the academic board should put them in a worse position than they were without this relief measure.

In other words, while the act of June 5, 1920, was intended as a shield for the proper protection of the boys, it has been used as a sword for their undoing.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. POMERENE. Certainly.

Mr. ROBINSON. The Senator has studied this question, and I take it that he has reached a conclusion as to whether it was the intention of Congress that students failing in their examination should have the right to a second examination, and also the right to be turned back to their former classes.

Mr. POMERENE. My thought about it is that the Congress must have had in mind what the practice was theretofore, that they could be brought back into the next lower class, but that the Congress thought perhaps that was not sufficient, and that, in addition to the privilege of dropping into the next lower class, they should have an opportunity for reexamination, so as to continue and complete their education. That is my judgment about it.

Mr. ROBINSON. That purpose, however, does not appear clearly expressed in the measure the Senator has referred to as the act of 1920. Does it or does it not?

Mr. POMERENE. I think it does not. I think we can only take into consideration what had been the practice there, and then look to this relief measure. It was not intended as a repeal of the former method or a restriction upon the former method. Otherwise, the Congress would have so said.

Mr. ROBINSON. Mr. President, I do not care to antagonize the viewpoint expressed in that particular by my friend the Senator from Ohio, because I have not had an opportunity of studying this subject; but it does seem to me that there is at least room for the construction of the matter called for in the document he has read. Manifestly, if a second examination were given and the student should fail in that, it would be going a long way to say that, in addition to having had that opportunity, he should also have the opportunity to go back into the lower class.

We all realize that it is the policy of the Government, in making these appointments and affording the extraordinary opportunities for education and training that are given to students at Annapolis, to secure first-class men, both physically and intellectually; and it occurs to me that if the practice of granting a student who fails in his examinations an opportunity to drop back into the lower class is not based upon an express authorization of law, and Congress, with that practice existing, passed a statute securing to the student the right to a second examination, the question might very well be raised as to whether it was not intended to supersede the prevailing practice.

As to the statement made by the Senator that there are incompetent instructors at the academy, if the Senator has investigated that matter and reached a conclusion concerning it, I shall accept his conclusion. But we all know the course these

matters take. I recall an instance where I appointed a young man to the Naval Academy; he failed in his first examination, was permitted to pass back into the former class, failed again, and then applied for another opportunity. I declined to submit any request for another opportunity for him. I thought he had had his chance, had failed to make good, and that it was right and fair to grant the opportunity to a man who was coming along, and who could meet the reasonable requirements of the institution.

It is not every young man of good character and of fair ability who can meet the tests required in making the course prescribed by this academy. It requires a young man of somewhat exceptional ability. Very naturally the parents of the young men who fail, and the Congressmen who have appointed them, are quick to believe that they have been mistreated in some way.

If my friend the Senator from Ohio, after a full investigation, states to the Senate that in his opinion in that particular case the student has been unfairly treated, or denied a fair opportunity to make his record and enjoy his career, I shall accept the Senator's statement. But in the course of his remarks I have been driven to the conclusion that the mere fact that the academic board, and others in authority at the Naval Academy, have not seen fit to grant students both the right to a second examination and the right to a second chance in the lower class, is not convincing that the institution is not being properly conducted. I shall be obliged to reach a contrary conclusion if those are the principal facts upon which the question is to be determined.

Mr. POMERENE. Mr. President, I am something of a martinet myself when it comes to matters of examination. I believe in vigorous discipline, and the experience which the Senator from Arkansas has just related is not very different from the experience I had with one young man over there, and when I got the facts I felt that the academic board had done the right thing, and I refused to go on with the matter further.

But let me give the Senator the facts as they were given to me by one young man, not his own case, as I understood it. One of those boys fell a few hundredths of 1 per cent below the passing grade. There was some discussion, as I understand, and his papers were gone over by other members of the faculty and, as I was told, two of the members of the faculty graded his papers at 2.50, the passing grade, while two other members of the faculty graded them something below 2.40. They struck an average which was below 2.50, and the boy was dropped. The result of that examination, if those are the facts, and I do not doubt they are, demonstrated that at least two members of that faculty were not capable of properly grading those papers.

Of course, I recognize the fact that there is not any hard and fast rule. My learned friend from Arkansas might grade one paper, and I grade it, and we would differ.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Arkansas?

Mr. POMERENE. I yield.

Mr. ROBINSON. No doubt the Senator will recall that during his college days some one of his instructors—and, I might suggest the instructor in "math." especially—was a menace to every member of the class with the approach of an examination. Every student in the class wondered day and night whether he was going to make the requisite marking. The Senator also no doubt remembers that instructors in other subjects were looked upon with complacency, the students having a feeling of assurance that they would be able to make the required grade.

The mere fact that there is no hard and fast rule by which an instructor can grade examination papers presents a difficulty which I do not think is solved by the suggestion of the Senator from Ohio. I call his attention to the fact that the highest grade which was given by two of the instructors was just exactly the passing grade, and that the other instructors gave him a grade of 2.40. In all probability the proper way to determine his standing was by taking an average, taking it for granted that the instructors were competent men. I do not think the fact that they differed in some degree about the grade would establish that any of them were incompetent instructors.

Mr. POMERENE. No, Mr. President, I agree with the Senator entirely, and I want to suggest that the boy who is passing the examination ought to be graded accordingly, and I am not saying that eventually he ought not to be dropped; but my contention simply is that after he has been there for two or three years, as the case may be, and receives this instruction at the

expense of the Government, it seems to me that under the circumstances he ought to have an opportunity to drop back into the next lower class. That is my contention.

Mr. ROBINSON. Mr. President, of course the Congress has the power, by express provision of statute, to give him that right; but with that condition before me I would not favor such a statute. There are cases which arise at the academy, where, through a general knowledge and observation of the student, his instructor comes to know that he has in him the material to make an officer in the Navy of the United States. There are cases where a student has had unlimited opportunities, the best of advantages, before he entered that institution, and his mental attributes and character may be such that from an intimate acquaintance with the student his instructor knows that he ought to go out and give way to somebody who can make good.

My opinion is that you are making a mistake if you undertake by law to take away from those in charge of that institution the discretion that is necessary in order to enable them to carry out the fundamental purpose of the United States in maintaining the academy at Annapolis.

Mr. POMERENE. Mr. President, if I could be persuaded that this academic board would not under any circumstances have permitted these boys to continue in the academy because of deficiency, I would feel somewhat differently about it. But heretofore the practice has been to let them drop back, and now, in view of this statute, they are not even granted that permission. The subject of electricity is a continuous study for two years. In the mid-year examination some of them have been found deficient to the extent of a few hundredths of 1 per cent and are dropped, not even permitted to go on to ascertain whether or not at the end of the year they could make up the deficiency. I do not think it is quite the right thing, and I am satisfied that though the section of the statute to which I have referred is obscure in construction, the intention was that this extra instruction should be given during the period of vacation, and that is denied to these boys under the rule they have adopted. I recognize that they have difficulty in construing that language in determining what ought to be done. It seems to me, however, that whatever doubts there were should have been resolved in favor of the boys and not against them.

Mr. ROBINSON. May I ask the Senator whether he thinks, in view of the practice which has prevailed heretofore at the academy, and in view of the statute to which he referred, namely, the act of 1920, that students failing in their examinations ought to have the right to take a new examination, and also the right to drop back into the lower classes? It seems to me the authorities there were confronted, when the act was passed, with the question whether that was in lieu of the custom that had prevailed before.

Mr. POMERENE. No, Mr. President; this is the difference, if the Senator will pardon me, between the two: The one goes to his right to continue with his class, whether he has scholarship sufficient to continue with that class. The other goes to the question as to whether he has scholarship or capacity enough to remain in the institution and drop in the lower class.

Mr. ROBINSON. Then the Senator thinks if he elects to take the second examination and fails in it that he also ought to have an opportunity to drop back? That was the intimation.

Mr. POMERENE. I do say that, when he has not had opportunity to get instruction during a time when he is burdened with studies or occupied nearly all his time.

Mr. MOSES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. POMERENE. I yield the floor.

Mr. MOSES. I do not wish the Senator to yield the floor, because I wish to ask him a question. I have no desire to broaden the scope of this discussion when the country is clamoring for the passage of the emergency tariff bill, as the Senator from Pennsylvania [Mr. PENROSE] has so earnestly told us this morning. But I think that the Senator from Ohio has not gone far enough with his investigation into the subject.

The method of admitting midshipmen to the academy has been radically changed recently. The boys no longer come there under the old rigid system of examination which once prevailed and which produced the picked men for the Navy to whom the Senator from Arkansas has referred. The boys are now admitted by certificates from high schools, and all of us who have gone through the public or preparatory schools or colleges and universities know that the marking system in vogue in the high schools of the country is very different from the rigid marking system that obtains at West Point or Annapolis.

The boys are admitted there on certificate in large number and they are, as the Senator from Ohio intimates, unprepared to go on with the rigid course at Annapolis. It is unfair to them under those circumstances of selection that the boys should not have an opportunity to go forward with the course in which they have embarked.

My understanding of the act of June 5, 1920, at the time it was passed was that the purpose of Congress was not to deprive any midshipman of any privilege which he then had, but to broaden the privileges which he possessed at the academy so that under all the circumstances of his admission and his progress in the institution he could be certain of going through the course which the academy provided and receiving his commission in the Navy.

Mr. GERRY. Mr. President—

Mr. POMERENE. I yield to the Senator from Rhode Island.

Mr. GERRY. That method of admitting applicants or students in colleges has been in vogue for quite a few years past and has been adopted in nearly all the great universities of the country. I know it was considered for Annapolis by the members of the Board of Visitors last year. This board has many of the members selected from the faculties of our universities and colleges. It was urged that that system of admitting students from recognized schools by certificate was better on the ground that the students now entered the academy after too much of a cramming system; that they went to certain cramming schools and were primed on particular subjects and were then able to pass the entrance examinations, and that after they had passed the examinations they did not have enough fundamental knowledge to carry on the work they were required to do in the academy.

Mr. POMERENE. Just one word further and I shall conclude. This matter was taken up by the Secretary of the Navy. His position is that the academic board has absolute control; that there is no relief whatever for the boys at the present time unless the Congress sees fit to give it, or unless there is a change of heart in the academic board. The Secretary of the Navy said, with reference to the midshipmen thus found deficient:

Their resignations having therefore been accepted in accordance with the law, there is only one way in which any of them can be reinstated, and that is by reappointment in the usual way, if within the age limit. Several have already been reappointed to reenter the next class. Unfortunately those who are beyond the age limit of 20 years are ineligible to reenter and can not, therefore, reenter.

In other words, some of the boys can be reappointed and reenter the service. However, the resignations were forced resignations. They were given from one afternoon until the next morning to present their resignations, otherwise they would be dropped; in other words, they would be subjected to a species of ignominy. I submit that neither the good of that institution, the good of the Government, nor the good of the boys is subserved by this arbitrary action on the part of the academic board.

Mr. POINDEXTER. Mr. President, the provision in the deficiency bill of last year referred to by the Senator from Ohio was an amendment to the existing law, or legislation, reported to the Senate by the Committee on Appropriations of the Senate. It was a usurpation of jurisdiction by the Committee on Appropriations undertaking to legislate in regard to naval affairs. I do not know how much consideration the Committee on Appropriations gave the matter or how familiar the members of the Appropriations Committee were with the examinations at the Naval Academy, or what reasons they had for recommending to the Senate the passage of that amendment. It was not discussed in the Senate. The Senate was not advised in regard to the subject matter at the time the bill was enacted into law. It went through as a rider upon an appropriation bill, practically without notice and without information on the part of the Senate. I am informed that the origin of it was the dissatisfaction of some individual because a relative of his at the academy had been flunked in one of his examinations and dropped from the academy roll.

The Attorney General, to whom the measure was referred for an opinion, stated last year that there was no time between terms in which a reexamination could be held and extra study allowed midshipmen as required by the amendment; that there was no such lapse of time between the end of the first and the beginning of the second term and it was not practicable to give such extra study, and that consequently it was physically impossible to comply with the literal language of that provision; but the academic board decided to carry out the spirit of the law and did give the boys one month of extra study notwithstanding the opinion of the Attorney General, although, of

course, it could not be done between the two terms on account of the fact that there was no such time intervening.

Those who were deficient badly, so that the board did not think it could continue them in the class, notwithstanding their second examination, were then recommended to be dropped, and this was done.

The Senator from Ohio and other Senators who have been appealed to by young men of the academy who have suffered the consequences of this action have insisted that the academic board should continue to give them examinations and to carry them on until they were finally able to pass the examinations and be retained upon the roll of midshipmen at the academy. Below the fourth class there is no class to which they could be turned back, as there is no lower class, so that the young men in the fourth class, or the plebe class, as it is called, the first-year term of the academy, could not receive the benefit that is proposed by the Senator from Ohio of being put back a year and carried on in the succeeding class unless they should receive reappointment. Of course, any young man, this young man that the Senator from Ohio speaks of, or any other young man, if he complies with the requirements for entrance to the Naval Academy, can reenter the academy upon reappointment.

I observed very closely the statement of the particular case that the Senator from Ohio made. It seems to be a case where a young man failed to make the required grade at an examination. He was given a reexamination in compliance with the provision of the law to which I have referred. On his reexamination he again failed to make the required grade. He has appealed to the Senator from Ohio, and there have been many cases in the experience of practically all Senators, I imagine, in the bitterness and disappointment of young men whose hopes have been blasted by failing at their examinations. The Senator from Ohio insists that some further opportunity should be given them. Of course, it involves the lowering of the entire standard of the Naval Academy if any such course should be adopted.

The Senator from New Hampshire [Mr. Moses] makes an argument which it seems to me rather difficult to follow, that because of the lowering or liberalization of the conditions under which young men are received at the academy, we should lower the standards of the academy in order to enable them to graduate there. I do not agree with him in that respect. I am not in favor of lowering the standards at the academy.

If the Senator from Ohio, or any other Senator, or any other person, has a case that can be substantiated by even prima facie proof that the system at the academy is a bad system, that there is unfairness or discrimination, that there is not a reasonable opportunity given to young men to comply with the requirements for graduation, I should say it ought to be investigated, but there was no such showing made and no such claim made by the Senator from Ohio.

Mr. POMERENE. Mr. President—

Mr. POINDEXTER. I yield to the Senator from Ohio.

Mr. POMERENE. The Senator evidently has misconceived what I said or I was unhappy enough not to make myself clear. I had no special interest in any one young man. I am interested in a change in the system over there, so that justice can be done to young men. That is my position. I think there was one Ohio boy connected with this matter, but he was not my appointee.

Mr. POINDEXTER. The Senator from Ohio described a particular case—and I supposed he was interested in that case—in which the young man failed by a very narrow margin. As I recollect it, he failed by a larger margin on his reexamination than he did upon his first examination. As the Senator from Arkansas [Mr. Robinson] has very well said, there are many other elements which enter into the fitness of a midshipman at the academy to become an officer in the United States Navy, besides the particular paper mark that he makes upon his examination; and as to the question whether or not he shall be given another opportunity to go back and take over again in the succeeding class the course in which he has failed, there is discretion vested in the academic board to determine upon all the qualifications of the midshipman as to whether the academy would be justified in imposing that expense upon the people of the United States in the effort to make a naval officer out of such a midshipman.

Mr. President, the resolution which has been introduced is entitled to consideration, and I ask that it be referred to the Committee on Naval Affairs.

Mr. POMERENE. Mr. President, that was the request that I was going to make.

The PRESIDING OFFICER. Without objection, the resolution will be so referred.

AMENDMENT OF THE RULES—OPEN EXECUTIVE SESSIONS.

Mr. HARRISON. Mr. President, I shall not delay the consideration of the emergency tariff bill, because I know how very anxious the Senator from Pennsylvania [Mr. PENROSE] is to have the legislation passed and placed upon the statute books, but there is another matter which I desire to bring to the notice of the Senate; a matter of very great importance to the people, I believe, touching a change in the rules of the Senate.

We have witnessed in the last few years a growing sentiment in this country against closeting ourselves behind closed doors for the consideration of nominations by the President to high offices and also the consideration of important treaties. The people of the United States, in my opinion, are coming to believe that they have a right to know what is being said regarding nominations and also treaties into which this country enters with foreign nations, and that they should know as much about the men and the treaties as do the Senators who discuss the matters behind closed doors.

The sentiment to-day, in my opinion, in the United States is to abolish executive sessions of the Senate touching nominations and the consideration of treaties. That sentiment has found its way into this Chamber. Two great treaties have been considered in the open sessions of the Senate. The treaty of Versailles and the Colombian treaty were both, by unanimous consent of Senators, considered and voted upon in the open sessions of the Senate. Recently a nomination came to the Senate of which I was not in favor, and of which quite a substantial minority of the Senate were not in favor. I tried at that time to have that nomination discussed in open executive session. I accordingly made a request and also a motion that that be done, but the request was objected to, and the motion was voted down. I believe it would have been better, however, for the interests of the country if that nomination had been considered in the open sessions of the Senate.

If newspaper reports are to be believed, there are nominations coming in now, in which the people are vitally interested, which should be considered in the open. If there is anything against men who are nominated for high office, the people should know all about it, about their character, about their training, about their fitness, and their qualifications to fill the high offices for which they have been nominated.

So I say that, in my opinion, there is a substantial sentiment in this country in favor of the consideration of presidential nominations in open sessions of the Senate as well as for the consideration of treaties in open session; in other words, in favor of abolishing the old system. It is in the interest of that being done, and to test out the Senate on the proposition, that I desire now to give a notice to the Senate.

Mr. ROBINSON. Will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Arkansas?

Mr. HARRISON. I yield.

Mr. ROBINSON. The Senator from Mississippi also knows that the proceedings of the Senate under no circumstances are actually secret, but that by some process, which has never yet been made known, whatever the Senate does in executive session is given the widest and greatest publicity.

Mr. HARRISON. Yes.

Mr. ROBINSON. So that the change proposed by the Senator from Mississippi would not result in any detriment to the Senate itself, since the proceedings in executive session are actually made public under the present method of considering such matters.

Mr. HARRISON. And very often what we believe to be secret finds its way out, and is changed in some respects, is modified or magnified and exaggerated, and a wrong impression is given out.

Mr. ROBINSON. In such cases the true facts can not become known unless the Senate chooses to make an issue of the matter and present the facts to the public.

Mr. PENROSE. Will the Senator from Mississippi permit an inquiry on that subject?

Mr. HARRISON. Yes; I yield.

Mr. PENROSE. I am curious to know why the Senator from Mississippi did not raise this quite moss-grown point during the recent administration, when the nominations of notoriously inefficient men were sent to this body, and there was no demand whatever to consider such nominations in open session. Fortunately for their reputations the sessions were then secret.

Mr. HARRISON. Well, there was no objection made at that time to any of the men who were nominated; and it matters not what may have been the character of the men, how bad they were, their reputations did not compare to those of some

of the men who are now being nominated by the present administration.

Mr. President, I now give in writing the notice to which I have referred, as follows:

Notice is hereby given in accordance with the provisions of Rule XL of the Standing Rules of the Senate, that upon the next calendar day of the sessions of the Senate a motion will be made to amend Rules XXXVII and XXXVIII of the Standing Rules of the Senate so that the same shall read as provided in the attached copy of the resolution which I propose to offer and ask to have printed in the RECORD as a part of this notice.

The resolution proposes to amend clause 3 of Rule XXXVII so that treaties, except by concurrence of two-thirds of the Senators present and voting for the consideration of same in executive session, shall be considered in open or legislative session of the Senate.

The resolution further proposes to amend Rule XXXVIII of the Standing Rules of the Senate by amending clause 2 and inserting a new clause 7, so that nominations made by the President shall be considered in open or legislative session of the Senate, unless by concurrence of two-thirds of the Senators present and voting for the consideration of same in executive session.

Amend clause 3 of Rule XXXVII to read as follows:

"3. Unless it is agreed to consider a treaty in executive session by the concurrence of two-thirds of the Senators present, all treaties shall be considered and acted upon by the Senate in its open or legislative session."

Amend clause 2 of Rule XXXVIII to read as follows:

"2. All information communicated or remarks made by a Senator when acting upon nominations in executive session concerning the character or qualifications of the person nominated, also all votes upon any such nomination, shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret."

Add at the end of Rule XXXVIII the following new clause:

"7. Unless it is agreed to consider a nomination made by the President in executive session by the concurrence of two-thirds of the Senators present, all nominations shall be considered and acted upon by the Senate in its open or legislative session."

So, Mr. President, the only proposed change is, in substance, that presidential nominations shall be considered in the open session of the Senate, unless by a concurrence of two-thirds of the Senators present and voting they should desire to go into secret executive session to consider nominations, and that the same rule shall also apply to the consideration of treaties.

The PRESIDING OFFICER. The notice that the Senator from Mississippi has presented will be received.

Mr. HITCHCOCK. Mr. President, if the Senator will permit me, I desire to suggest to him that an executive session may be either open or closed; that it is not necessary to consider nominations and treaties in legislative session; in fact, it is not proper to consider them in legislative session. I think the Senator really intends to provide that executive sessions, which are the only sessions in which nominations and treaties may be considered, shall be open instead of closed.

Mr. HARRISON. I will say to the Senator from Nebraska that I had the cooperation of members of the committee in drafting the notice and tried to follow, so far as possible, the wording of the present rules.

Mr. HITCHCOCK. I think the Senator will find that all treaties and all nominations which have not been considered behind closed doors have been considered in open executive session and not in legislative session. I ask the Senator from Massachusetts whether that is not correct?

Mr. LODGE. Such matters must be considered in executive session; they constitute executive business.

Mr. HITCHCOCK. They constitute executive business and must be considered in executive and not in legislative session. So that, if the Senator will simply provide for open executive sessions in place of "legislative" sessions, he will accomplish what he desires.

Mr. HARRISON. The proposed amendment provides for open executive or legislative sessions.

Mr. HITCHCOCK. But the use of the words "legislative session" is incorrect, because the matters referred to are executive business.

Mr. HARRISON. Then the Senator would suggest that the word "legislative" be stricken out.

Mr. HITCHCOCK. I suggest that the word "legislative" be omitted and that it should read in each instance "in open executive session."

Mr. HARRISON. "In open executive session." I ask unanimous consent that the notice I have given and the resolution be modified in that respect.

The PRESIDING OFFICER. Without objection, the notice will be so modified.

The notice submitted by Mr. HARRISON as modified is as follows:

NOTICE OF PROPOSED AMENDMENT BY MR. HARRISON.

Notice is hereby given, in accordance with the provisions of Rule XL of the Standing Rules of the Senate, that upon the next calendar day of the sessions of the Senate a motion will be made to amend Rules

XXXVII and XXXVIII of the Standing Rules of the Senate so that the same shall read as provided in the attached copy of the resolution which I intend to offer to-morrow and ask to have printed in the RECORD as a part of this notice.

The resolution proposes to amend clause 3 of Rule XXXVII so that treaties, except by concurrence of two-thirds of the Senators present and voting for the consideration of same in executive session, shall be considered in open executive session of the Senate.

The resolution further proposes to amend Rule XXXVIII of the Standing Rules of the Senate by amending clause 2 and inserting a new clause 7, so that nominations made by the President shall be considered in open executive session of the Senate, unless by concurrence of two-thirds of the Senators present and voting for the consideration of same in executive session.

Resolved, That clause 3 of Rule XXXVII of the Standing Rules of the Senate be amended so as to read as follows:

"3. Unless, by the concurrence of two-thirds of the Senators present, it is agreed to consider a treaty in executive session, all treaties shall be considered and acted upon by the Senate in open executive session."

Resolved further, That clause 2 of Rule XXXVIII of the Standing Rules of the Senate be amended so as to read as follows:

"2. All information communicated or remarks made by a Senator when acting upon nominations in executive session concerning the character or qualifications of the person nominated, also all votes upon any such nomination, shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made or that it has been confirmed or rejected shall not be regarded as a secret."

Resolved further, That Rule XXXVIII of the Standing Rules of the Senate be amended further by adding at the end thereof a new clause, as follows:

"7. Unless, by the concurrence of two-thirds of the Senators present, it is agreed to consider a nomination made by the President in executive session, all nominations shall be considered and acted upon by the Senate in open executive session."

Mr. LODGE. Mr. President, I do not wish to interfere with the debate on the emergency tariff bill, which I am very anxious to have passed, but I desire to say that whenever the resolution submitted by the Senator from Mississippi is taken up I shall desire to discuss it. I think there are very serious objections to the change which he proposes, and that it is most undesirable.

Since I have been a Member of the Senate I have heard it stated constantly that there is no use of executive sessions because all that happens in executive sessions becomes public. That is a mistake. Nine-tenths of what happens in executive sessions never become public. There is no report of executive sessions, which makes a very great difference in the discussion of treaties. The rumors of a newspaper can never be taken by a foreign government as the action of any part of the Government of the United States.

There is a rule to which I think the Senator from Mississippi omitted to refer to which I desire to call attention. I refer to paragraph 4 of Rule XXXVI, which provides:

4. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

Those portions of the proceedings in executive session which become public and are printed come now and always have come from the indifference or the carelessness of the Senators themselves. Comparatively little gets out; but I have known one or two occasions when accounts of executive proceedings have been given out which obviously ought never to have been given out, and must have been given out deliberately. The paragraph of Rule XXXVI which I have read, however, shows the seriousness which the Senate for many years has attached to this question.

As to treaties, it is open to the Senate, if they think fit, to discuss them in open executive session. That action has been taken when it has been thought necessary; but it is much better not to discuss the mass of treaties in open executive session, because it is quite possible, in fact, it is very probable, that things will be said which would then become authoritative and be reported in the RECORD that might give great and unnecessary offense not only to the country with which we are negotiating but to other countries.

As to nominations, I earnestly hope that they will never be discussed in open session. The Senator from Mississippi appears to think that it is going to be for the benefit of the country to have them discussed openly. I think the result would be just the opposite. Now and then there will be a Senator who may wish to make in the open a personal attack on some nominee; but the general effect of such a rule as is now proposed would be that there would be no freedom whatever in the discussion of nominations. All Senators, all men, shrink from making an attack on a man's character which may be unsustained and unsupported when the facts are all known, but which will be blazoned across the country and perhaps

cast a stigma on a perfectly innocent man. The result will be that we shall have no proper discussion of nominations which ought to be discussed, because Senators will very naturally be extremely reluctant to carry on personal discussions of that kind in the open Senate.

I am not going to say any more at this time. I merely desire to say that when that rule comes up at the proper time I shall move to have it referred to the Committee on Rules, and I shall wish to discuss it further.

Mr. PENROSE. Mr. President, while the Senator from Massachusetts is on his feet I should like to ask him a question. In his opinion, does the rule of the Senate protecting the secrecy of executive sessions on nominations apply also to the proceedings of a committee to which a nomination has been referred? I ask because important nominations continually come up before committees—I know they do before the Finance Committee—and requests are numerous that the proceedings be open; and as far as I am concerned I do not care whether the proceedings are open or closed. I only want to know, from the Senator's great experience, what his opinion is as to the rule in its application to committee proceedings.

Mr. LODGE. The provision with regard to committees is simple. This is a part of the paragraph providing for secrecy:

If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed.

That, I think, distinctly implies that committees follow the usual practice, and do not have their hearings public. In fact, I do not see how they can under that language, because they can not disclose the name of the person making the charge.

Mr. PENROSE. That was my own thought in the matter.

EMERGENCY TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2435) imposing temporary duties upon certain agricultural products to meet present emergencies, and to provide revenue; to regulate commerce with foreign countries; to prevent dumping of foreign merchandise on the markets of the United States; to regulate the value of foreign money; and for other purposes.

Mr. PENROSE. Mr. President, in view of the performance this morning, in which the grievances of midshipmen at the academy—shrinking violets, mollycoddles, and others who were unable to pass their examinations—and the moss-grown topic of secret sessions has been raised, I will ask the leader of the minority whether, in view of the possibility of a repetition of these delays, we can not agree on some day to vote on the emergency tariff bill? While the agricultural interests are anxiously waiting and the farmers are confronted with ruin Senators are compelled to remain in their seats while these tedious topics are under discussion.

Mr. SIMMONS. Is the Senator addressing his remarks to me?

Mr. PENROSE. Yes, sir.

Mr. SIMMONS. I wish to say to the Senator in all frankness that I am very anxious that we shall as soon as possible agree upon a day. I hoped that I might be able to indicate to the Senator this morning the earliest day that we could agree upon, but I find that I am not able to do that. I feel quite sure, however, that by to-morrow I shall be able to give the Senator some answer to his inquiry. Meantime, of course, a failure to fix the time of voting to-day, instead of to-morrow or the next day, will not delay the passage of the bill, because under any conditions there is bound to be and will be considerable discussion of the measure.

I hope to be able to answer the Senator to-morrow.

Mr. PENROSE. Mr. President, I sincerely trust that the Senator from North Carolina will be able to carry out his suggestion to agree on a day certain to-morrow. I do not know of any lengthy debate on the side of the majority on this emergency tariff measure. No true friend of the bill wants to prolong the discussion in a way which will delay the enactment of the bill, neither do I believe there is any intention to filibuster against it; but certainly everyone ought to be interested in its disposal as promptly as possible.

As for myself, Mr. President, I have no very long speech to make to the Senate. The tariff features of this measure are identical with those of the bill which passed the Senate and the House in the last Congress and was vetoed by the President. They have not been changed in any particular. A permanent tariff bill is under consideration in the Ways and Means Committee, and it is expected that it will embrace manufactures as well as agricultural and live-stock products. The measure will

be taken up in the House of Representatives early in the present month, and it is hoped that it will reach this body some time not late in June. Consequently, it is sincerely hoped that unnecessary delay will not be incurred by Senators attempting to amend the tariff features of the present bill. Such amendments can not be entertained by the majority. To do so would be to delay the bill beyond any limit and tend to make it a permanent tariff measure. The urgent feature would be entirely lost. The bill arises out of the dire necessities of the agricultural interests, and for their relief should be passed immediately.

I do not pretend that the measure in all its parts is all-embracing or sufficiently comprehensive, or in all cases entirely logical; but it is an emergency measure, and it is only for a very limited period. The original bill which passed the last Congress was to endure for 10 months. This measure will last but six months, or until a new law is enacted; and it is hoped and expected with every reason that long before the expiration of that period the permanent bill will become a law, so that every Senator will have an opportunity in a very short time to present amendments, if need be, to the permanent bill. This measure, to be of any use whatever, should be passed at once.

The Government actuary estimates that the customs duties imposed in this bill would yield during a 12-month period \$211,000,000, or \$105,000,000 for a 6-month period. The total revenue from the articles subject to tax under this bill during the calendar year 1920 was almost \$121,000,000, or about \$60,500,000 for a 6-month period. This bill will, therefore, yield an additional revenue of \$45,000,000 to the Government for the six months in which it will be in effect. To that extent, therefore, the measure operates in the direction of increasing the much-needed revenues of the Government at the present time.

In addition, however, to the protective features of the original bill, there were very properly added in the House provisions relating to dumping and valuation of imports. Both parties are agreed as to the desirability of dumping legislation, and I take it there is no serious division of opinion on this question. Ordinarily in tariff legislation it would be consistent and logical to provide definite and adequate compensatory duties for the manufacturers dependent on raw materials for the base of their fabrics. While this bill imposes compensatory duties on certain cotton and wool manufactured articles, it is impossible, however, to provide adequate and logically framed compensatory duties on the manufactured products. It is hoped, therefore, that the antidumping provision and the valuation provision will to some extent relieve our manufacturing interests, sufficiently at least to permit them to survive if their establishments shall be opened again during the brief period of six months.

When the bill came to the Senate the Finance Committee largely revised the dumping and valuation provisions of the House bill in a way to which I think there can be no substantial objection. I ought to say that the committee had the advantage of the information and the advice of the Tariff Board and a judge of the customs court, and the Board of General Appraisers, men experienced in these matters, and of some very intelligent expert gentlemen from the New York customhouse. These experts sat with the committee a large part of the time, and after a very prolonged study of the question they were unanimous in recommending to the committee for their consideration the phraseology and language embodied in the Senate amendment. It is therefore the unanimous result of the best expert knowledge in the Government service on this question, regardless of party or political affiliations.

Mr. WATSON of Georgia. Mr. President—

The PRESIDING OFFICER (Mr. BROUSSARD in the chair). Does the Senator from Pennsylvania yield to the Senator from Georgia?

Mr. PENROSE. I yield.

Mr. WATSON of Georgia. Is there anything in the Senator's bill which prevents the manufacturers of his own great State of Pennsylvania, notably the Steel Trust, from dumping their surplus goods on South America, for instance?

Mr. PENROSE. No; there is not.

Mr. WATSON of Georgia. And selling their goods at a lower price in South America than the prices their goods are sold for in the Southern States in this country?

Mr. PENROSE. No; Mr. President, there is nothing whatever in this measure of that kind, and if the Senator from Georgia had been longer in this body he would realize that that is a separate question and has been the subject of exhaustive discussion on this floor. That is for Canada and the South American countries to determine for themselves, and our

nearest neighbor which would be affected by this antidumping provision, Canada, has a very stringent antidumping law, after which we have largely modeled this bill.

Mr. WATSON of Georgia. Then, how does the Senator reconcile our allowing the surplus population of Europe to be dumped on this country, in the form of cheap labor, and not allowing the products of that cheap labor to be dumped on us?

Mr. PENROSE. Mr. President, I do not want to interrupt the continuity of my remarks by an academic discussion about the selling of certain American products in South America at prices which are below the cost in the home market. The practice has its defenders and there are those who object to it. Each side can put up, in my opinion, a very strong argument, and doubtless before this revenue discussion is over the practice referred to by the Senator from Georgia will be fully discussed. It certainly has no bearing here, except in a remote, academic way.

The dumping provisions, as I said, are the unanimous verdict of the Treasury experts and are, I think it will be generally admitted, an improvement on the House provisions, which were necessarily somewhat hastily passed upon. The provisions, as I said, are largely modeled after the Canadian antidumping law.

A salient feature of the Senate amendment to the House provision is that which leaves to the Secretary of the Treasury the decision as to whether there is dumping. Under the House provision the dumping law applies to all importations, and the very onerous duty was imposed on the customs administrative officers to watch every article which came into the country to ascertain whether it was the product of a dumping process. Now, the imports are accepted at the port, and unless on complaint and proof and an order from the Secretary of the Treasury these questions are not entered into. If, however, any home manufacturer discovers that he can not sell his own product or can not start a manufacturing concern of his own on account of this so-called unfair competition, he can complain to the Secretary of the Treasury, who can make the necessary investigation and order. This amendment is certainly a long stride in the direction of simplicity and economy of administration, and I think will be found entirely satisfactory.

The Finance Committee also made a very important amendment in striking out the differential conversion of currency feature. That would have imposed an enormous increase of duties on at least the products from Germany, and I want to correct an impression, Mr. President, that these amendments in any way will tend to greatly increase the duties. I have heard asserted by Senators that the Senate amendment raised the duties to an unconscionable extent. On the contrary, the abolition of the differential very materially and radically reduces any possible soaring rate of duty on foreign products and has eliminated a cause of offense to certain foreign nations.

Of course, it is only fair to state at the same time that the valuation appraised, either on the foreign home value or the export value, whichever is higher, will increase the basis value of many articles for the assessment of duties, and to that extent will increase the duty; but, on the whole, not to any unreasonable extent. It is fair to state that, taking everything into consideration, the possibilities of a very great and unreasonable rise in duties are very much diminished under the Senate amendments.

In connection with that statement I had Mr. Fix, special agent in charge of the comparative valuation report bureau of the New York customs office, send me some statistics showing the differences between the foreign home consumption prices and the foreign export prices in countries wherein the currency had been depreciated more than 66½ per cent, and I ask to have them inserted in the RECORD as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
UNITED STATES CUSTOMS SERVICE,
New York, N. Y., May 3, 1921.

Mr. O. FIX,

Special Agent in Charge C. V. R. Bureau.

Sir: In compliance with your request for information as to the differences between the foreign home consumption prices and the foreign export prices in countries wherein the currency has been depreciated more than 66½ per cent, you will find inclosed herewith a list of merchandise and the percentages of difference which I hope will be satisfactory to your needs. If you require further information, command me.

Respectfully,

THOS. J. BURNS,
Deputy Appraiser.

List of merchandise and percentages of differences.

Class of merchandise.	Country of exportation.	Percentage increase over home market prices for exportation to the United States.
Paper and manufactures of paper.....	Germany.....	20 - 25
Fancy leather goods.....	do.....	25 - 50
Glass lamp chimneys, glass gas and electric globes and shades, table glass-ware, siphon bottles, gauge glasses, acid bottles.....	Germany, Czechoslovakia, Bohemia.....	30 - 60
Clocks.....	Germany.....	15 - 20
Beads, all kinds.....	do.....	50
Beggiano cheese.....	Italy.....	144
Roman cheese.....	do.....	581
Confectionery (Fourres).....	Austria.....	187
Aluminum, flatware, spoons, forks, ladles, etc.....	Germany.....	10 - 50
Surgical instruments.....	do.....	33 1/2 - 50
Jewelry tools.....	do.....	10 - 50
Artificial flowers.....	do.....	50
Artificial horsehair.....	do.....	120
Lighting fixtures.....	Czechoslovakia.....	100 - 250
Wood rules.....	Germany.....	15 - 25
Incandescent electric light bulbs.....	do.....	5 - 25
Drawing instruments.....	do.....	75 - 135
Machine needles.....	do.....	25 - 75
Lead pencils.....	do.....	10 - 33
Rifles.....	Austria.....	50 - 100
Musical instruments.....	Germany.....	25 - 33
Ocarinas.....	Austria.....	30
Cotton table damask.....	Czechoslovakia.....	20
Cotton hosiery.....	Germany.....	4 - 11
Fabric gloves.....	do.....	24 - 36
Linens.....	do.....	25
Do.....	Czechoslovakia.....	24 - 25
China ware:		
Dinner ware.....	Germany.....	100 - 150
Fancy goods.....	do.....	50 - 200
Dinner ware.....	Czechoslovakia.....	30 - 80
Fancy goods.....	do.....	(1)
Earthenware:		
Dinner ware.....	Germany.....	50 - 100
Fancy goods.....	do.....	(2)
Do.....	Czechoslovakia.....	(2)
Baskets.....	Germany.....	30
Woodenware.....	do.....	50 - 100
House furnishings.....	do.....	100
Wire cloth.....	do.....	10
Steel balls.....	do.....	50
Plano wire.....	do.....	10
Chrome steel tubes.....	do.....	144 - 29
Enameled steel ware.....	do.....	11 - 30
Vacuum bottles.....	do.....	50 - 54
Gold leaf.....	do.....	150
Books and music.....	do.....	38 - 139
Pharmaceuticals.....	do.....	40
Chemical glassware.....	do.....	29
Photographic cameras.....	do.....	62 1/2
Glass eyes.....	do.....	105 1/2
Chloride of magnesium.....	do.....	105 1/2

¹ Net to 50 per cent.² Net to 25 per cent.

Mr. PENROSE. Then another feature of the dumping amendment which originated in the Finance Committee, Mr. President, was that providing for an opportunity to examine the books of the exporter. It is recognized that the great mass of honest exporters have no objection to examination of their books by the American officials, but there remains a very small percentage of exporters who have objected to such examination, resulting in a very reasonable assumption that there is something to conceal.

On the other hand, it is only reasonable to state that the exporter argues that to have an inspector of another country go into his books might place him at a disadvantage with his competitors. The committee has therefore curtailed the original draft of the provision which was under consideration so as to make it apply only to the market value of the merchandise. In my opinion—and I think the opinion is shared by the customs officials—this limitation will seriously diminish the effectiveness of what the committee was after, the prevention of fraud. But in view of the protests which in past years have come from the State Department regarding such a provision, and in view of very recent protests and criticisms from foreign Governments called to the attention of the Finance Committee, it was thought wiser to be moderate in this respect. Therefore, the amendment stands as it does. Those amendments, Mr. President, largely comprise the changes made.

One point, however, I would like to lay stress on. Whether rates are raised or not, the antidumping provision is not intended to produce much revenue. It is a preventive. The mere fact that the provision exists on the statute books tends to prevent dumping. I have here a report from the United States Tariff Commission containing some information concerning

dumping and unfair foreign competition in the United States and Canada's antidumping law, and I refer to page 29, where the statement is made:

As evidence that the antidumping clause serves as a check on dumping rather than as a revenue producer, Canadian customs officials point to the following table—

Which shows that in the 11 years from 1907 to 1918, inclusive, the Canadian dumping duties have averaged less than one-tenth of 1 per cent of the total duties collected. I will ask to have the table inserted in my remarks.

There being no objection, the table referred to was ordered to be printed in the Record, as follows:

Total duties and dumping duties—A comparison of latter to former collected on articles shipped to Canada, fiscal year ending Mar. 31.

Year.	Dumping duties collected.	Total duties collected.	Dumping duty per cent of total duty.
1907.....	\$94,649	\$40,290,172	0.23
1908.....	52,688	58,331,075	.09
1909.....	47,722	48,059,792	.10
1910.....	54,796	61,024,239	.09
1911.....	53,912	73,312,368	.07
1912.....	86,354	87,576,037	.10
1913.....	88,963	115,063,688	.08
1914.....	92,426	107,180,573	.09
1915.....	68,296	79,205,910	.09
1916.....	69,143	103,940,101	.07
1917.....	91,715	147,631,455	.06
1918.....	58,476	161,595,629	.03

¹ Nine months ending Mar. 31, 1907.

² Includes war tax of the following amounts: 1915, \$2,638,493; 1916, \$25,255,788; 1917, \$37,830,427; 1918, \$45,018,562.

Mr. PENROSE. Finally, Mr. President, there was submitted to the committee an amendment for the control of dye importations. I shall not detain the Senate by going into any lengthy statement or argument as to the supreme importance of that industry or the fact, which was deeply impressed on the committee, that entire ruin would confront the industry in this country unless it was protected immediately from prospective competition, particularly from Germany.

I need not lay stress on the vast amount of capital invested in that industry during the war, which would have some claim on the Government for protection, including the high grade of employees engaged in the business. But I was only laying stress on the supreme importance of the industry in furnishing the basis for not only the arts and sciences in the manufacture of woolen goods and other similar articles, but in the manufacture of munitions of war and in a score of interesting and important ramifications which I could go into and which, during this debate, I will leave to others to explain.

The fact remains that the Senate and the House have carefully considered the necessity of doing something in connection with the dye proposition, and whether that part of the bill should be amended or not, I sincerely hope that something effective will remain in the measure between the present and the time it goes to the conference committee to protect the industry.

Mr. President, I have here three tables. The first one shows the estimated revenue collections for a 12-months period under Title I; that is, the tariff title of the emergency tariff bill.

The second table shows the revenue collected during the calendar year 1920 from articles subject to tax under that bill.

The third table shows the rates upon articles contained in the bill under the acts of 1900 and 1913 and under House bill 2435.

I think these figures will be found extremely interesting and instructive, and I ask to have them added to my remarks, and I invite the careful attention of the Senate to them.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

APPENDIX A.

Estimated revenue collections for a 12-month period under Title I of H. R. 2435, the emergency tariff bill.

ARTICLES AND ESTIMATED REVENUE COLLECTION FOR A 12-MONTH PERIOD.

1. Wheat.....	\$35,000
2. Wheat flour and semolina.....	16,000
3. Flaxseed.....	6,000,000
4. Corn or maize.....	450,000
5. Beans.....	1,200,000
6. Peanuts or ground beans.....	750,000
7. Potatoes.....	250,000
8. Onions.....	400,000
9. Rice:	
Cleaned.....	400,000
Uncleaned.....	437,500
Flour and meal and broken rice.....	15,000
Paddy, or rice having the outer hull on.....	3,000

10. Lemons	\$1,000,000
11. Oils:	
Peanut	520,000
Cottonseed	20,000
Coconut	1,000,000
Soya bean	10,000,000
Olive	
In bulk	800,000
In containers of less than 5 gallons	750,000
12. Cattle	900,000
13. Sheep:	
One year old or over	100,000
Less than 1 year old	30,000
14. Fresh or frozen:	
Beef	200,000
Veal	40,000
Mutton	240,000
Lamb	10,000
Pork	10,000
Meats of all kinds, prepared or preserved, n. s. p. f.	1,000,000
15. Animals imported for breeding purposes:	
Cattle	
Sheep	
Other	
16. Cotton having a staple of 1½ inches or more in length	12,600,000
17. Manufactures of which cotton having a staple of 1½ inches or more in length is the component material of chief value	210,000
18. Wool, commonly known as clothing wool; including hair of the camel, Angora goat, and alpaca, but not such wools as are commonly known as carpet wools:	
Unwashed	15,000,000
Washed	300,000
Scoured	45,000
19. Clothing wool and hair when advanced in any manner or by any process of manufacture beyond the washed or scoured condition, and manufactures of which clothing wool or hair is the component material of chief value	2,100,000
20. Sugar	118,000,000
Molasses testing—	
Not above 40°	720,000
Above 40° and not above 56°	35,000
Above 56°	7C
21. Butter and substitutes therefor	120,000
22. Cheese and substitutes therefor	1,150,000
23. Milk, fresh	40,000
Cream	50,000
24. Milk, preserved or condensed or sterilized by heating or other processes	100,000
Sugar of milk	1,250
25. Wrapper tobacco, and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco, and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if—	
Unstemmed	14,100,000
Stemmed	
Filler tobacco, n. s. p. f., if—	
Unstemmed	14,000,000
Stemmed	5,000,000
26. Apples	90,000
27. Cherries:	
In a raw state	
Preserved in brine or otherwise	
28. Olives	1,000,000
Total for 12-month period	211,227,820
Total for 6-month period	105,613,910

APPENDIX B.	
Revenue collected during the calendar year 1920 from articles subject to tax under H. R. 2435, the emergency tariff bill.	
ARTICLES AND REVENUE COLLECTED.	
1. Wheat	\$9,700
2. Wheat flour	200
Semolina	500
3. Flaxseed	4,923,400
4. Corn or maize	
5. Beans	510,400
6. Peanuts or ground beans	803,700
7. Potatoes	5,900
8. Onions	363,700
9. Rice:	
Cleaned	215,400
Uncleaned	178,500
Flour and meal and broken rice	2,800
Paddy, or rice having the outer hull on	1,400
10. Lemons	542,000
11. Oils:	
Peanut	760,600
Cottonseed	
Coconut	
Soya bean	
Olive, edible:	
In bulk	491,000
In containers of less than 5 gallons	484,900
12. Cattle	
13. Sheep	
14. Fresh or frozen beef, veal, mutton, lamb, and pork, and meats of all kinds, prepared or preserved, n. s. p. f.	
15. Animals imported for breeding purposes	
16. Cotton having a staple of 1½ inches or more in length	
17. Manufactures of which cotton having a staple of 1½ inches or more in length is the component material of chief value	(1)
18. Wool:	
Hair of the Angora goat, alpaca, and other like animals	351,400
19. Clothing wool and hair when advanced in any manner or by any process of manufacture beyond the washed or scoured condition—	
Manufactures of which clothing wool or hair is the component material of chief value	(1)
20. Sugar	78,170,300
Molasses testing—	
Not above 40°	472,900
Above 40° and not above 56°	34,300
Above 56°	500
21. Butter and substitutes therefor	940,700
22. Cheese and substitutes therefor	1,047,600
23. Milk, fresh	
Cream	
24. Milk, preserved or condensed or sterilized by heating or other processes	
Sugar of milk	
25. Wrapper tobacco, and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco, and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if—	
Unstemmed	12,857,400
Stemmed	200
Filler tobacco, n. s. p. f., if—	
Unstemmed	12,520,300
Stemmed	4,374,800
26. Apples:	
Green or ripe	38,200
Dried, desiccated, etc.	8,200
27. Cherries	(1)
28. Olives	629,300
Total for 12-month period ending Dec. 31, 1920	120,732,000
Estimate for a 10-month period upon the above basis	60,366,000
¹ Not separately stated.	

APPENDIX C.

Rates upon articles contained in H. R. 2435, the emergency tariff bill, and under the acts of 1909 and 1913.

Article.	Rates of duty under the act of—		Rates of duty proposed under H. R. 2435.
	1909	1913	
1. Wheat	25 cents per bushel	Free ¹	35 cents per bushel.
2. Wheat flour	25 per cent	do. ²	20 per cent.
Semolina	do.	do. ³	Do.
3. Flaxseed	25 cents per bushel	20 cents per bushel	30 cents per bushel.
4. Corn or maize	15 cents per bushel	Free	15 cents per bushel.
5. Beans	½ cent per pound	½ cent per pound	2 cents per pound.
6. Peanuts or ground beans:			
Not shelled	½ cent per pound	½ cent per pound	3 cents per pound.
Shelled	1 cent per pound	1 cent per pound	Do.
7. Potatoes	25 cents per bushel	Free ⁴	25 cents per bushel.
8. Onions	40 cents per bushel	20 cents per bushel	40 cents per bushel.
9. Rice:			
Cleaned	2 cents per pound	1 cent per pound	2 cents per pound.
Uncleaned	1½ cents per pound	1 cent per pound	1½ cents per pound.
Flour and meal and broken rice	½ cent per pound	½ cent per pound	½ cent per pound.
Paddy, or rice having the outer hull on	½ cent per pound	½ cent per pound	½ cent per pound.
10. Lemons	1½ cents per pound	(5)	2 cents per pound.
11. Oils:			
Peanut	Free (n. e.)	6 cents per gallon	26 cents per gallon.
Cottonseed	Free	Free	20 cents per gallon.
Coconut			
Refined and deodorized	3½ cents per pound	3½ cents per pound	Do.
Not refined and deodorized	Free	Free	Do.
Soya bean	do.	do.	Do.

Rates upon articles contained in H. R. 2435, the emergency tariff bill, and under the acts of 1909 and 1913—Continued.

Article.	Rates of duty under the act of—		Rates of duty proposed under H. R. 2435.
	1909	1913	
11. Oils—Continued.			
Olive—			
In bulk.....	40 cents per gallon.....	20 cents per gallon.....	40 cents per gallon.
In containers of less than 5 gallons.....	50 cents per gallon.....	30 cents per gallon.....	50 cents per gallon.
12. Cattle.....	(⁶).....	Free.....	30 per cent.
13. Sheep:			
1 year old or over.....	\$1.50 per head.....	do.....	\$2 per head.
Less than 1 year old.....	75 cents per head.....	do.....	\$1 per head.
14. Fresh or frozen:			
Beef.....	1½ cents per pound.....	do.....	2 cents per pound.
Veal.....	do.....	do.....	Do.
Mutton.....	do.....	do.....	Do.
Lamb.....	do.....	do.....	Do.
Pork.....	do.....	do.....	Do.
Meats of all kinds, prepared or preserved, n. s. p. f.....	25 per cent.....	do.....	25 per cent.
15. Animals imported for breeding purposes:			
Cattle.....	Free.....	do.....	Free.
Sheep.....	do.....	do.....	Do.
Other.....	do.....	do.....	Do.
16. Cotton having a staple of 1½ inches or more in length.....	do.....	do.....	7 cents per pound.
17. Manufactures of which cotton having a staple of 1½ inches or more in length is the component material of chief value, in addition to existing rates of duty.....	do.....	do.....	Do.
18. Wool, commonly known as clothing wool, including hair of the camel, Angora goat, and alpaca, but not such wools as are commonly known as carpet wools:			
Unwashed.....	Various.....	Free.....	15 cents per pound.
Washed.....	do.....	do.....	30 cents per pound.
Scoured.....	do.....	do.....	45 cents per pound.
19. Clothing wool and hair when advanced in any manner or by any process of manufacture beyond the washed or scoured condition, and manufactures of which clothing wool or hair is the component material of chief value, in addition to existing rates of duty.....	do.....	do.....	Do.
20. Sugar, 96°.....	1.685 cents per pound ⁷	1.256 cents per pound ⁸	2 cents per pound. ⁹
Molasses testing—			
Not above 40°.....	20 per cent.....	15 per cent.....	24 per cent.
Above 40° and not above 56°.....	3 cents per gallon.....	2½ cents per gallon.....	3½ cents per gallon.
Above 56°.....	6 cents per gallon.....	4½ cents per gallon.....	7 cents per gallon.
21. Butter and substitutes therefor.....	6 cents per pound.....	2½ cents per pound.....	6 cents per pound.
22. Cheese and substitutes therefor.....	do.....	20 per cent.....	23 per cent.
23. Milk, fresh.....	2 cents per gallon.....	Free.....	2 cents per gallon.
Cream.....	5 cents per gallon.....	do.....	Do.
24. Milk, preserved or condensed or sterilized by heating or other processes.....	2 cents per pound.....	do.....	2 cents per pound.
Sugar of milk.....	5 cents per pound.....	do.....	5 cents per pound.
25. Wrapper tobacco, and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco, and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if—			
Unstemmed.....	\$1.85 per pound.....	\$1.85 per pound.....	\$2.35 per pound.
Stemmed.....	\$2.50 per pound.....	\$2.50 per pound.....	\$3 per pound.
Filler tobacco, n. s. p. f., if—			
Unstemmed.....	35 cents per pound.....	35 cents per pound.....	35 cents per pound.
Stemmed.....	50 cents per pound.....	50 cents per pound.....	50 cents per pound.
26. Apples.....	25 cents per bushel.....	10 cents per bushel.....	30 cents per bushel.
27. Cherries:			
In a raw state.....	do.....	do.....	3 cents per pound.
Preserved in brine or otherwise.....	Free.....	Free.....	Do.
28. Olives:			
In solution.....	(¹⁰).....	15 cents per gallon.....	25 cents per gallon.
Not in solution.....	(¹¹).....	do.....	3 cents per pound.

¹ But 10 cents per bushel when imported, directly or indirectly, from a country, dependency, or other subdivision of government which imposes a duty on wheat or wheat flour or semolina imported from the United States.

² But 45 cents per barrel of 196 pounds when imported, directly or indirectly, from a country, dependency, or other subdivision of government which imposes a duty on wheat or wheat flour or semolina imported from the United States.

³ But 10 per cent when imported, directly or indirectly, from a country, dependency, or other subdivision of government which imposes a duty on wheat or wheat flour or semolina imported from the United States.

⁴ But 10 per cent when imported, directly or indirectly, from a country, dependency, or other subdivision of government which imposes a duty on such articles imported from the United States.

⁵ Paragraph 220 of section 1 of the revenue act of 1913 imposed the following rates of duty upon lemons: In packages of a capacity of 1½ cubic feet or less, 18 cents per package; in packages of a capacity exceeding 1½ cubic feet and not exceeding 2½ cubic feet, 35 cents per package; in packages 2½ and not exceeding 5 cubic feet, 70 cents per package; in packages exceeding 5 cubic feet or in bulk, one-half of 1 cent per pound.

⁶ The revenue act of 1909 imposed the following rates of duty upon cattle: Less than 1 year old, \$2 per head; 1 year old or over, valued at not more than \$14 per head, \$3.75 per head; 1 year old or over, valued at more than \$14 per head, 27½ per cent.

⁷ The act of 1909 imposed a duty upon sugar testing by the polariscope, not above 75°, ninety-five one-hundredths of 1 cent per pound, and for every additional degree shown by the polariscope test, thirty-five one-thousandths of 1 cent per pound additional.

⁸ The act of 1913 imposed a tax upon sugar testing by the polariscope not above 75°, seventy-one one-hundredths of 1 cent per pound, and for every additional degree shown by the polariscope test, twenty-six one-thousandths of 1 cent per pound additional.

⁹ The bill as agreed to in conference imposes a duty upon sugar, testing by the polariscope not above 75°, of one-sixteenth of 1 cent per pound, and for every additional degree shown by the polariscope test, four one-hundredths of 1 cent per pound additional.

¹⁰ The act of 1909 imposed the following duties upon olives: In bottles, jars, kegs, tins, or other packages containing less than 5 gallons each, 25 cents per gallon; all other olives 15 cents per gallon.

Mr. PENROSE. Mr. President, I do not know that at the present time I have anything further to say. I shall be glad at any period of the discussion to explain any detail in relation to the Senate amendments. They all speak for themselves.

The report filed by the Finance Committee is unusually complete and comprehensive. Nothing that I could add to it would be more than a repetition of the statements contained therein and would be tedious and uninteresting. Therefore I shall close, again expressing my willingness to make any explanations or reply to any questions, and feeling that to continue the discussion is to unnecessarily delay the bill, and with the sincere

hope that both sides of the Chamber will cooperate to get the measure out of the way.

Mr. SIMMONS obtained the floor.

Mr. UNDERWOOD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah	Capper	Fernald	Gooding
Brandeggee	Caraway	Fletcher	Hale
Broussard	Curtis	France	Harris
Calder	Dial	Gerry	Harrison
Cameron	Dillingham	Glass	Heflin

Hitchcock	McCumber	Pomerene	Swanson
Johnson	McKellar	Ransdell	Townsend
Jones, N. Mex.	McLean	Robinson	Trammell
Jones, Wash.	McNary	Sheppard	Underwood
Kellogg	Nelson	Shields	Walsh, Mass.
Kendrick	Nicholson	Shortridge	Watson, Ga.
Kenyon	Oddie	Simmons	Watson, Ind.
Keyes	Overman	Smoot	Williams
King	Penrose	Spencer	Willis
Ladd	Phipps	Stanfield	Wolcott
La Follette	Pittman	Stanley	
Lodge	Polindexter	Sterling	

The VICE PRESIDENT. Sixty-six Senators having answered to their names, a quorum is present. The Senator from North Carolina will proceed.

Mr. SIMMONS addressed the Senate. After having spoken, with interruptions, for nearly two hours, he said:

Mr. President, I wish to inquire of the Senator from North Dakota [Mr. McCUMBER] who, I assume is in charge of the bill in the absence of the chairman of the committee, whether he requires us to go on longer this afternoon. I have been much interrupted and I have not objected to the interruptions, because I think they have been helpful. What we are trying to do is to understand the bill, and we can understand it very much better by colloquies than by set speeches. Therefore, I have invited interruptions and am glad to have them. But it has taken most of my time and I am not anywhere near through with the matters that I wish to discuss in connection with the bill. It is my purpose not only to discuss the amendments of the Senate committee, which include the valuation amendment as well as the anti-dumping amendment, but to discuss the general provisions of the bill and the emergency provision, so far as it applies to agriculture, and that will take some time. I might have finished in half an hour or three-quarters of an hour if I had not had this last interruption, but the last interruption has been somewhat prolonged, and I do not feel now that I wish to go on to-night unless the Senator from North Dakota insists upon it.

Mr. McCUMBER. The Senator would not be willing to go on until 5 o'clock?

Mr. SIMMONS. I would rather not continue to-day. I am rather tired.

Mr. McCUMBER. I do not wish to impose upon the Senator, but may I ask him if there is not some one else on the other side who desires to speak to-day and who can take up the balance of the time until 5 o'clock?

Mr. SIMMONS. I do not; but I think I might go on.

Mr. McCUMBER. I do not wish to insist if the Senator feels tired.

Mr. SIMMONS. I do not know of anyone on this side who wishes to speak to-day.

Mr. McCUMBER. I thought possibly the Senator could suggest one who could take up some of the time remaining this afternoon.

Mr. HARRISON rose.

Mr. SIMMONS. The Senator from Mississippi may have something to say.

Mr. HARRISON. I merely rose to say that it would be rather unfair to the Senator from North Carolina for some one else to speak right in the midst of his remarks.

Mr. McCUMBER. I do not think it could be so considered, because we have been doing that right along.

Mr. HARRISON. He should be allowed to finish his speech.

Mr. UNDERWOOD. I will say to the Senator from North Dakota, as I am sure the Senator from North Carolina has already assured the other side of the Chamber, that there is no desire on this side to delay the bill, and I wish to state to him the fact that the Senator from North Carolina stands on this side of the aisle in the attitude of the chairman. He represents this side on the pending measure. If he is not prepared to present his views further this evening, it seems to me that he ought to be allowed to wait until to-morrow.

Mr. McCUMBER. I am going to move to take a recess unless there is some one on the other side or this side who desires to speak on the bill to-day. That is the purpose of my inquiry. If there is, I would rather go on until 5 o'clock and let the Senator from North Carolina rest. If there is no one who desires to speak I shall not impose upon the Senator from North Carolina by insisting that he shall speak all the afternoon.

Mr. UNDERWOOD. I will say to the Senator that so far as I am concerned I expect to make a short statement on the bill before its consideration is concluded. I have no doubt some other Members may do likewise; but the Senator from North Carolina represents our side of the Chamber on this particular measure, and we prefer to have him conclude and to hear his remarks through before we start to debate the bill.

Mr. McCUMBER. That is satisfactory. I hope that by to-morrow we shall be able to fix some time at which we can vote at a very early period.

Mr. SMOOT. If we take a recess to-night, as I hope we shall, then let us all object to any morning business to-morrow and go to the consideration of the emergency tariff bill the first thing to-morrow. Then we will not have to hold so long a session. It was nearly 2 o'clock to-day before we got started upon the consideration of this bill, and we have been considering it for only about two hours. I think we can make progress by objecting to morning business to-morrow if we take a recess to-night.

Mr. HARRISON. Why not adjourn to-night?

Mr. SMOOT. Oh, no. The bill should have been brought up last Monday. Here it is Thursday night, and we have not had more than four hours' discussion on the bill this week.

Mr. HARRISON. I do not know whether the Senator was present when I served notice that I was going to call up a motion to change the rules, which I expect to do at the very first opportunity. Under the rules the notice must lie over for one calendar day.

Mr. SMOOT. That will have to go to the Committee on Rules.

Mr. HARRISON. If we recess to-day I do not know what the ruling of the Chair would be and whether I could call it up to-morrow if I should desire to do so. For that reason I hope the Senate will adjourn.

Mr. SMOOT. Does the Senator wish to introduce it to-morrow?

Mr. HARRISON. It has been already introduced.

Mr. SMOOT. It will have to go to the Committee on Rules.

Mr. HARRISON. No; it does not, under the action of the Senate recently on the resolution of the Senator from Connecticut [Mr. BRANDEGEE], when it was held that such a motion does not have to go to the Rules Committee.

Mr. FLETCHER. Mr. President, before we take a recess I desire to have printed in the RECORD, as bearing on the pending bill, though I shall not take the time to read it, a communication from the New York Fruit Exchange relative to the proposed duty on lemons, and also a communication from a correspondent in Cuba with reference to the proposed duty on tobacco.

Mr. SMOOT. I think the first letter has already been put in the RECORD. I think I read it.

Mr. FLETCHER. But this is a letter to me.

Mr. SMOOT. I had a similar letter, and I think every other Senator had.

Mr. FLETCHER. Of course, if the letter has been placed in the RECORD, I shall not ask to have it printed again. The other letter to which I refer bears on the duty on tobacco proposed in the bill. I ask that that letter may be printed in the RECORD. It is a letter from Tampa, Fla., showing the effect of the extraordinary increase proposed in the duty on wrapper and filler tobacco. I ask to have them both printed in the RECORD unless a similar communication from the New York Fruit Exchange to some other Senator has already been inserted in the RECORD.

The VICE PRESIDENT. Is there objection? If not, it is so ordered.

The communications are as follows:

NEW YORK, April 30, 1921.

HON. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SIR: Your attention is called to the fact that if a prohibitive duty is placed upon foreign lemons in the emergency or permanent tariff bills, it will create a monopoly that will have the entire country in its clutches. Outside of California, Italy, and Sicily, no lemons are grown to any extent.

The duty demanded by the California interests, 2 cents per pound, approximately \$1.50 per box, with freight and other charges, will make the cost of bringing a box of lemons from Sicily to this country about \$2.25 per box. This will make the expense of importing lemons so great, to say nothing of the cost of the lemons themselves, that the business will be very hazardous and will result in very few, if any, lemons being brought here.

The freight on a box of lemons from California to New York via all rail is about \$1.40 per box. Recently several cargoes of California lemons have come here via all-water route through the Panama Canal, demonstrating the practicability of this route, at a total cost of less than \$1 per box. Even at the present rate of duty this gives California an advantage over Sicily, so far as the cost of bringing the fruit to New York is concerned.

The California Fruit Growers' Exchange controls the marketing of about 85 per cent of the crop of lemons. With the Sicily fruit out of the way there will be nothing to prevent the exchange from making such prices on lemons as they see fit, and you can rest assured there will be no effort made to give the public "cheap" lemons, as Mr. Powell said would be done in his testimony before the House Ways and Means Committee. About 35 per cent of the lemons sold by the exchange are disposed of at auction in the large eastern cities, and it is claimed that the buyer makes the price at these sales, it being governed by the demand and supply. This is true, but the exchange will see to it that the supply is at no time large enough to break the market.

The price of the 65 per cent sold at private sale will be arbitrarily fixed.

There is no disposition on the part of those engaged in the foreign lemon business—and they are numbered by the thousands—to evade the payment of duty or to ask for free entry of lemons, which could very properly be done, as lemons have become a very necessary food article.

We recognize the fact that the Government is under extraordinary expense and a huge revenue must be raised, and it is only fair that imported lemons should furnish part of this revenue. No objection would be made to a duty of, say, 70 cents per box, which is double the present duty, but to impose a duty of 2 cents per pound, about \$1.50 per box, would be prohibitive and result in no revenue, as no lemons would be imported. There is also the danger of reprisals by Italy. The brief submitted by the New York Fruit Exchange to the House Ways and Means Committee—hearings on schedule G—contains considerable detailed information regarding imported lemons.

We hope you will give this matter your careful attention and do what you can to prevent the exclusion of the foreign lemons, which will deprive the large body of consumers in the country from obtaining a very essential article at reasonable prices and placing them at the mercy of one producing section only, which could then dictate prices.

A large number of dealers in various parts of the country prefer the foreign lemon to the California fruit, and to prevent them having it would be a grave injustice. Foreign lemons are sold exclusively at auction, each cargo, without regard to size or market conditions, being disposed of on arrival.

Respectfully,

NEW YORK FRUIT EXCHANGE,
WM. A. CAMP, President.

P. S.: Your attention is called to the fact that the laws of Florida prohibit the entry of California lemons into your State.

HON. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

HABANA, CUBA, April 26, 1921.

MY DEAR SENATOR: You will recall that during January of this year I had some correspondence with you with reference to the Fordney emergency tariff bill as it affected the duty on Cuban tobacco. My letter was written to you in the interests of the Tampa Cigar Manufacturers' Association. At that time I covered the subject as well as I could and I do not know that I now have anything to add to what I said then. I prepared a brief for the Ways and Means Committee of the House, which I sent to Mr. Drane, and he had it inserted in a report of the committee hearings on the permanent tariff bill. I happened to be in Habana on business to-day, and Mr. Morris, vice president of Lykes Bros. (Inc.), has called my attention to the inclosed form of letter that is being issued by the American Chamber of Commerce of Habana, in which the situation is very effectively and concisely summed up.

If the United States Congress wishes to destroy the Habana cigar manufacturing interests in the United States and practically put out of business the tobacco growers of Cuba they can adopt no more appropriate method than to raise the existing tariff on leaf tobacco. As pointed out in the brief I filed with the Ways and Means Committee, an increase in tariff on wrapper tobacco will automatically force the manufactured product into the higher-priced grades, which will in turn make the same liable to an increase of \$3 per thousand internal revenue tax under the existing internal revenue law.

Cuba for the past six months has been in the midst of a serious crisis. The United States owes this country a very real duty. Legislation that will further embarrass these people in the sale of their two chief products—sugar and tobacco—is little short of barbarous and entirely unworthy of the United States Government, which has assumed a guardianship over this little Republic. Therefore, from the standpoint of moral obligation to the Cuban Republic, as well as the protection of the interests of our own manufacturers, the proposed increase in tariff—and especially on tobacco, in which I am directly interested—would seem to be the worst kind of bad faith and at the same time inexcusable folly. I hope something can be done to prevent the increase of 50 cents a pound on wrapper tobacco, that was provided for in the Fordney emergency bill, being carried into the permanent tariff measure when it is adopted, and also that some relief may be given to American importers of tobacco against the arbitrary rule of assessing wrapper duty on all bales of tobacco containing as much as 15 per cent wrapper. There should be a discretion given the appraiser to fix the percentage of wrapper and filler in a bale of tobacco for the purpose of assessing the duty, or there should be a more liberal limit based upon the quantity of wrapper permitted before the entire bale is assessed as wrapper.

Thanking you for such assistance as you may be able to give in the protection of our industry, and with kindest regards, I am,

Yours, very sincerely,

K. I. MCKAY,
Tampa, Fla.

DEAR SIRS: In view of the tariff revision now under consideration by the Congress at Washington, we beg to call your attention to the fact that the exportations from the United States to Cuba will be materially reduced if our products must find a market in the United States hereafter under less favorable conditions than they do at present. When Cuba sells less sugar, less tobacco, and less of all other products of its soil, the ability of the country to import goods from you will be diminished to a considerable extent.

Cuba bought during the last calendar year (1920) from the United States merchandise to the value of \$515,082,549. The only other countries which bought more than this amount from the United States were the United Kingdom, Canada, and France. Argentina, Brazil, and Mexico together, with over 50,000,000 inhabitants, bought \$578,320,546, or only slightly more than Cuba, the population of which is 2,700,000. Cuba is recognized as having the world's largest per capita trade. Over 75 per cent of our importations now come from the United States, whereas when the Republic was established the percentage was only about 40.

In Cuba we do not have cheap labor. Our export articles—sugar, tobacco, and others of less importance—are produced at present under costs as high on the average as similar articles in the States. This places us in the same position as the United States, in that we can not sell our articles to countries where the cost of production is relatively low, and can not compete with the products of those countries in the markets of the United States, unless we enjoy a substantial reduction in the tariff duties. In the case of sugar, for instance, Cuba

has, during the last decade supplied a large part of the deficiency in your production, but under higher tariff rates it would be increasingly difficult for Cuba's sugars to compete with those from other parts of the world, where production costs are lower and which now enjoy a privileged situation because of the rate of exchange. Our currency is United States currency or Cuban gold coins of the same value as yours. We are not therefore benefited by the difference in the rates of exchange, as are many countries now selling sugar to the United States.

It would not be possible to maintain, much less increase, the volume of the exportations of the United States to Cuba, unless we can sell our sugar, our tobacco, and other products of our soil as we have been doing. Trade consists of the exchange of products, and in order that a country may be able to buy from others, it must also be able to sell to others. Cuba has its natural and almost its sole market in the United States, to which we sell 85 per cent of our products. If the opportunities for selling in this market are reduced, our ability to buy will be reduced to the same extent.

In addition, it seems only logical that it should be the policy of the United States to extend an effective protection to Cuba, as by far the greater part of the capital invested in Cuba and many of the largest business concerns are American. In this respect there is little difference between Cuba and one of the States of the Union. American capital controls over 55 per cent of the sugar mills of the island, and American interests are predominant in shipping, commerce, banking, insurance, in public services, like docks and warehouses, telephone, water supply, electric lighting, etc., and very considerable in railroads, tobacco, mining, and other fields. Whatever injures the prosperity and development of Cuba therefore works harm to American interests. Commercially and industrially Cuba is to all intents and purposes a part of your economic system. To legislate against the products of Cuba would, therefore, be inexplicable.

This letter will provide you, we trust, with an opportunity for bringing to the attention of your Congressman, or of others who may have to do with the movement for tariff revision, what the situation of Cuba is, and the gist of it is that we depend on the American market, almost entirely, for the sale of our raw sugar, tobacco, and other less important products, which we exchange for American goods, the benefits of this trade accruing on this side largely to citizens of the United States who have provided the capital for the development of Cuba and have built up in 20 years the wealth and prosperity of the island.

Yours, very truly,

EXECUTIVE SESSION.

Mr. McCUMBER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until to-morrow noon.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Friday, May 6, 1921, at 12 o'clock meridian.

CONFIRMATION.

Executive nomination confirmed by the Senate May 5 (legislative day of May 4), 1921.

COMMISSIONER OF PATENTS.

Thomas E. Robertson.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 5, 1921.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our heavenly Father, Thou hast given life and Thou hast spared life, and in it Thou art plenteous in mercy. May we lovingly accept Thy will and follow Thy purpose, that our thoughts may be right and our words wise. May we not boast in our strength, but rather be humble in our weakness. Hear the prayers that can not be heard, for they are too sacred for words. Be with those who are withdrawn from duty because of affliction. Bind up their wounds with many balms, and be with them in their solitude and pain. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. BYRNS of Tennessee. Mr. Speaker, my colleague, Mr. PADGETT, continues ill. I ask unanimous consent that he be excused from attendance for the remainder of the week.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that his colleague, Mr. PADGETT, be excused for the remainder of the week. Without objection, it will be so ordered.

There was no objection.

PARLIAMENTARY INQUIRY.

Mr. WALSH. Mr. Speaker, in the reading of the Journal I noticed it stated that Mr. WINGO made the point of order that the motion to recommit was not germane. It seems to me that the point of order which the gentleman made was that the amendment proposed in the motion to recommit was not germane. I do not think the statement should be journalized that a motion to recommit was not germane.

Mr. WINGO. I think the germaneness of a motion to recommit is tested by the germaneness of the amendment that it offers. If the amendment is not germane, then the motion is not germane. I do not care how it is stated—whichever is the customary way.

The SPEAKER. The real question, of course, is whether the amendment itself was germane.

Mr. BLANTON. It had the effect of killing the motion, anyway.

The SPEAKER. The Chair thinks it was correctly journalized.

COMMITTEE APPOINTMENTS.

Mr. GARNER. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 82.

Resolved, That the following Members be, and they are hereby, elected members of the standing committees of the House:

Accounts: Mr. HAMPTON P. FULMER, of South Carolina, and Mr. JOSEPH T. DEAL, of Virginia.

Irrigation of Arid Lands: Mr. WILLIAM B. BANKHEAD, of Alabama.

The SPEAKER. Without objection, the resolution will be agreed to.

There was no objection.

COMPETENCY OF WITNESSES.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the budget bill.

The SPEAKER. The Chair thinks that the previous question having been ordered on H. R. 2376, that should be completed first. The question is on the passage of that bill.

Mr. MOORES of Indiana. Mr. Speaker, I ask unanimous consent to proceed for two minutes out of order.

The SPEAKER. The gentleman from Indiana asks unanimous consent to address the House for two minutes out of order. Is there objection?

Mr. MONDELL. Mr. Speaker, if the gentleman is going to address the House on the merits of the bill, some one should be given an opportunity to reply. In the absence of the gentlemen in charge of the bill, I think I shall have to object. The gentlemen who are in charge of the bill would probably object if they were here, unless they were given an opportunity to reply to what the gentleman may have to say.

Mr. MOORES of Indiana. They ought to be here.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. The RECORD shows that during the consideration of this bill yesterday the gentleman from Minnesota [Mr. VOLSTEAD], chairman of the Judiciary Committee, who is in charge of the bill, moved the previous question, and that the previous question was ordered. Does the previous question operate to the final passage of the bill?

The SPEAKER. The Chair thinks so. It is customary—perhaps it is an unfortunate habit—instead of moving the previous question on the bill and amendments to the final passage, simply to move the previous question, but the Chair thinks that is the intent.

Mr. WALSH. But, Mr. Speaker, two hours of debate had not been had on the bill.

Mr. STAFFORD. That was not necessary. It is a House Calendar bill, and the previous question can be ordered at any time.

The SPEAKER. The previous question can be ordered at any time.

Mr. WALSH. But, Mr. Speaker, if during the debate on a House Calendar bill on Calendar Wednesday a simple motion for the previous question was made and agreed to, my inquiry is whether that operates to the final passage without being so stated in the motion?

The SPEAKER. The Chair thinks so. Does the gentleman from Wyoming [Mr. MONDELL] object to the request of the gentleman from Indiana [Mr. MOORES]?

Mr. MONDELL. I think I shall have to object.

The SPEAKER. The gentleman objects. The question is on the passage of the bill, which the Clerk will report.

The Clerk read the title of the bill (H. R. 2376) to further amend section 858 of the Revised Statutes of the United States.

The SPEAKER. The question is on the passage of the bill. The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. VAILE and Mr. MOORES of Indiana demanded a division.

The House divided; and there were—ayes 85, noes 21.

Mr. HILL. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. The gentleman from Maryland makes the point of no quorum present. There is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll. As many as favor the passage of the bill will as their names are called vote "yea," those opposed "nay."

The question was taken; and there were—yeas 286, nays 66, not voting 77, as follows:

YEAS—286.

Ackerman	Fenn	Kreider	Ricketts
Almon	Fess	Kunz	Riddick
Arentz	Fish	Lanham	Reach
Aswell	Fisher	Lankford	Robertson
Atkeson	Fitzgerald	Larsen, Ga.	Robison
Bankhead	Flood	Larson, Minn.	Rodenberg
Barbour	Focht	Lazaro	Rose
Barkley	Fordney	Leatherwood	Rosenbloom
Beck	Foster	Lee, Ga.	Rosdale
Bell	Frear	Lee, N. Y.	Rouse
Benham	Free	Leibach	Rucker
Bixler	Freeman	Lineberger	Ryan
Black	Frothingham	Linthicum	Sanders, Tex.
Blakeney	Fulmer	London	Sandlin
Blanton	Funk	Lowrey	Schall
Boies	Gallivan	Luce	Scott, Mich.
Bond	Garner	McClintie	Scott, Tenn.
Bowling	Garrett, Tenn.	McCormick	Sears
Box	Garrett, Tex.	McDuffie	Shelton
Brand	Gensman	McFadden	Shreve
Brennan	Glynn	McLaughlin, Mich.	Siegel
Briggs	Goldsborough	McLaughlin, Nebr.	Sinclair
Brinson	Good	McLaughlin, Pa.	Sinnott
Brooks, Ill.	Goodykoontz	McPherson	Slomp
Brooks, Pa.	Green, Iowa	McSwain	Smith
Buchanan	Greene, Mass.	MacGregor	Smithwick
Bulwinkle	Griest	Magee	Snell
Burroughs	Griffin	Maloney	Speaks
Burness	Hadley	Mansfield	Sproul
Butler	Hammer	Mapes	Steagall
Byrnes, S. C.	Hardy, Tex.	Martin	Stedman
Byrns, Tenn.	Harrison	Mason	Stephens
Cable	Hawes	Mead	Stevenson
Campbell, Kans.	Hawley	Michaelson	Summers, Wash.
Campbell, Pa.	Hayden	Michener	Summers, Tex.
Cantrill	Hays	Miller	Swank
Carew	Herrick	Mills	Sweet
Carter	Hersey	Mondell	Swing
Chalmers	Hickey	Moore, Ill.	Taylor, Colo.
Christopherson	Hicks	Moore, Ohio	Taylor, N. J.
Clague	Himes	Moore, Va.	Taylor, Tenn.
Claason	Hoch	Morgan	Temple
Clouse	Houghton	Mott	Ten Eyck
Codd	Huddleston	Murphy	Thompson
Collier	Hudspeth	Nelson, A. P.	Tillman
Collins	Hull	Nelson, J. M.	Tincher
Colton	Hutchinson	Nolan	Towner
Connell	Ireland	Norton	Tyson
Cooper, Ohio	James, Mich.	O'Brien	Underhill
Cooper, Wis.	Jeffers	O'Connor	Voigt
Coughlin	Johnson, Ky.	Ogden	Volk
Crisp	Johnson, Miss.	Oldfield	Volstead
Cullen	Jones, Pa.	Olpp	Walters
Curry	Jones, Tex.	Osborne	Ward, N. C.
Dallinger	Kearns	Overstreet	Wason
Davis, Minn.	Keller	Paige	Watson
Davis, Tenn.	Kelly, Pa.	Park, Ga.	Weaver
Deal	Kendall	Parks, Ark.	Webster
Dickinson	Ketcham	Parrish	White, Kans.
Domink	Kless	Patterson, Mo.	Williams
Dowell	Kincheloe	Peters	Williamson
Drane	Kindred	Petersen	Wilson
Drewry	King	Porter	Wingo
Driver	Kinkaid	Quin	Woodruff
Dupré	Kirkpatrick	Radeliffe	Woods, Va.
Dyer	Kissel	Raker	Woodyard
Echols	Klecza	Rankin	Wright
Edmonds	Kline, N. Y.	Ransley	Wurzbach
Elston	Kline, Pa.	Rayburn	Wyant
Evans	Knight	Reece	Young
Fairfield	Knutson	Reed, N. Y.	
Farrot	Kopp	Rhodes	

NAYS—66.

Andrews	Dale	Husted	Millsbaugh
Bacharach	Denison	Johnson, S. Dak.	Montague
Beedy	Dunbar	Johnson, Wash.	Montoya
Bland, Ind.	Elliott	Kahn	Moore, Ind.
Bland, Va.	Ellis	Kraus	Mudd
Burdick	Faust	Lawrence	Parker, N. J.
Burton	French	Layton	Pringley
Cannon	Gerner	Little	Purnell
Chandler, N. Y.	Graham, Ill.	Lufkin	Reavis
Chindblom	Graham, Pa.	Lubrin	Riordan
Connally, Tex.	Greene, Vt.	McArthur	Rogers
Connolly, Pa.	Hardy, Colo.	McKenzie	Sabath
Copley	Hill	Merritt	Sanders, Ind.

Stafford
Steenerson
Strong, Kans.
Tilson

Timberlake
Tinkham
Treadway
Vaile

Vestal
Walsh
Wheeler
White, Me.

Wood, Ind.
Zihlman

NOT VOTING—77.

Anderson
Ansorge
Anthony
Appleby
Begg
Bird
Bowers
Britten
Brown, Tenn.
Browne, Wis.
Burke
Chandler, Okla.
Clark, Fla.
Clarke, N. Y.
Cockran
Cole
Cramton
Crowther
Darrow
Dempsey

Doughton
Dunn
Fairchild
Fields
Fuller
Gahn
Gilbert
Gorman
Gould
Haugen
Hogan
Hukriede
Humphreys
Jacoway
James, Va.
Kelley, Mich.
Kennedy
Kitchin
Lampert
Langley

Lea, Calif.
Logan
Longworth
Lyon
Madden
Mann
Morin
Newton, Minn.
Newton, Mo.
Oliver
Padgett
Parker, N. Y.
Patterson, N. J.
Perkins
Perlman
Pou
Rainey, Ala.
Ramseyer
Reber
Reed, W. Va.

Sanders, N. Y.
Shaw
Sisson
Snyder
Stiness
Stoll
Strong, Pa.
Sullivan
Tague
Thomas
Upshaw
Vare
Vinson
Ward, N. Y.
Winslow
Wise
Yates

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. MANN with Mr. KITCHIN.

Mr. NEWTON of Missouri with Mr. SISSON.

Mr. BROWNE of Wisconsin with Mr. PADGETT.

Mr. CROWTHER with Mr. SULLIVAN.

Mr. ANTHONY with Mr. COCKRAN.

Mr. LONGWORTH with Mr. CLARK of Florida.

Mr. HUKRIEDE with Mr. LOGAN.

Mr. CHANDLER of Oklahoma with Mr. LEA of California.

Mr. WINSLOW with Mr. POU.

Mr. REBER with Mr. FIELDS.

Mr. PATTERSON of New Jersey with Mr. LYON.

Mr. MORIN with Mr. THOMAS.

Mr. LAMPERT with Mr. JACOWAY.

Mr. MADDEN with Mr. TAGUE.

Mr. VARE with Mr. OLIVER.

Mr. DUNN with Mr. GILBERT.

Mr. BEGG with Mr. RAINEY of Alabama.

Mr. STRONG of Pennsylvania with Mr. VINSON.

Mr. APPLEBY with Mr. DOUGHTON.

Mr. LANGLEY with Mr. HUMPHREYS.

Mr. ANSORGE with Mr. WISE.

Mr. BURKE with Mr. JAMES of Virginia.

Mr. CRAMTON with Mr. UPSHAW.

Mr. SNYDER with Mr. STOLL.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

IMMIGRATION.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 4075, with a Senate amendment, disagree to the amendment, and agree to the conference asked for.

The SPEAKER. The gentleman from Washington asks unanimous consent to take from the Speaker's table the bill H. R. 4075, disagree to the Senate amendment, and agree to the conference. Is there objection?

Mr. LINTHICUM. Reserving the right to object, I ask leave to have a telegram read.

Mr. WALSH. I object to any telegrams being read.

Mr. LINTHICUM. Then, Mr. Speaker, I ask unanimous consent for one minute to address the House.

The SPEAKER. The gentleman from Maryland asks leave to address the House for one minute. Is there objection?

Mr. WALSH. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. LINTHICUM. Mr. Speaker, I object.

THE SLACKER LIST.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting the names of the so-called slacker list which has been prepared by the Army and to insert those names from time to time as they come out from the War Department.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

Mr. MCCLINTIC. Mr. Speaker, reserving the right to object, I want to ask the gentleman a question—

Mr. SNELL. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

IMMIGRATION.

Mr. JOHNSON of Washington. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 4075, an act to limit the immigration of aliens into the United States, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman moves to take from the Speaker's table the bill H. R. 4075, the immigration bill, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate. The Clerk will report the Senate amendment.

The Clerk proceeded to read the Senate amendment.

Mr. GARRETT of Tennessee. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Has the gentleman from Washington made a motion?

The SPEAKER. The gentleman has moved to disagree to the Senate amendment and agree to the conference.

Mr. GARRETT of Tennessee. Mr. Speaker, I do not think that is in order at this time.

The SPEAKER. Why not? The Chair understands that it is a House bill with a Senate amendment, not requiring to be considered by the House in Committee of the Whole.

Mr. STAFFORD. Mr. Speaker, as I heard the reading of the Senate amendment from the Clerk's desk, it strikes out all of the House bill and incorporates in lieu one Senate amendment.

The SPEAKER. In the confusion the Chair was unable to hear the amendment.

Mr. STAFFORD. That is the way I got it from the Clerk's desk. My impression was that it was an amendment that did not require consideration in the Committee of the Whole and so advised the gentleman from Washington, who asked to take the bill from the Speaker's table.

Mr. JOHNSON of Washington. Mr. Speaker, we are very anxious to get this bill to conference.

Mr. GARRETT of Tennessee. Mr. Speaker, I have no objection to its going to conference, and I hope the gentleman from Maryland will withdraw his objection and let it go to conference.

Mr. LINTHICUM. Mr. Speaker, I have a very important telegram which I desire to have read.

Mr. WALSH. It is not more important than the sending of this bill to conference.

Mr. LINTHICUM. Mr. Speaker, I shall withdraw my objection to the request for unanimous consent.

Mr. JOHNSON of Washington. Then, Mr. Speaker, I shall put it in the form of a request for unanimous consent.

The SPEAKER. Is there objection to the request of the gentleman from Washington to take the bill from the Speaker's table, disagree to the Senate amendment, and agree to the conference asked by the Senate? [After a pause.] The Chair hears none.

The Chair appointed the following conferees on the part of the House: Mr. JOHNSON of Washington, Mr. SIEGEL, Mr. TAYLOR of Tennessee, Mr. SABATH, and Mr. RAKER.

Mr. LINTHICUM. Mr. Speaker, I now ask unanimous consent for one minute in order that I may have this telegram read.

The SPEAKER. The gentleman from Maryland asks unanimous consent to address the House for one minute. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects.

THE BUDGET.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 1084) to provide a national budget system and an independent audit of Government accounts, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 1084, with Mr. BURTON in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. When the committee rose two amendments were under consideration, an amendment offered by the gentleman from New York [Mr. ROSSDALE] and an amendment to the amendment offered by the gentleman from Illinois [Mr. WILLIAMS]. The Clerk will report the amendments.

The Clerk read as follows:

Amendment by Mr. ROSSDALE: Page 7, line 4, strike out "\$3,000" and insert "\$3,000."

Amendment by Mr. WILLIAMS to the amendment by Mr. ROSSDALE: Strike out "\$3,000" and insert "\$2,000."

Mr. GOOD. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection.

Mr. MURPHY. Mr. Chairman, I object.

Mr. GOOD. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. Debate has been had upon the paragraph. The question is on the motion of the gentleman from Ohio that all debate upon the paragraph and all amendments thereto close in 15 minutes.

The motion was agreed to.

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, I confess that my faith in the efficacy of the civil-service reform has been considerably shaken since I have been a Member of this Congress. I had long been in favor of civil-service reform. I do not know how best to substitute an improvement for the present régime, but I do know, and I believe every Member of this Congress who has been here for any considerable length of time knows, that the civil-service reform as now administered is a disappointment. [Applause.] One of the men at the head of one of the greatest departments of this Government, who has been occupying his present position for many years, who is a close observer of the practical enforcement of the civil service as applied to his branch of the Government, declares without hesitation that he could get along with at least one-third less men in his division if it were not for the civil-service appointees.

This seems to be the situation generally. Men and women get these places by reason of examination, and after they get them they feel that they are secure so far as the position is concerned; that all they have to do is to do just simply enough work to get by and not violate the regulations sufficiently to be discharged. The result is a destruction of the morale in all departments and an inefficient force of employees, out of which not more than 50 per cent of efficiency is obtained. The question is how to remedy this condition. I confess that I do not know, but I believe that one of the best strokes in favor of a remedy is not to make the civil-service regulations apply to any more positions than it is absolutely necessary to make them apply to.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Not now. I would hate to go back to the old system of spoils, to which the Government service was subjected years ago, but something should be done about reforming the so-called civil-service reform. We are paying \$100 out for \$50 worth of service to the Government of the United States under the system as now administered. What is true in the department to which I have called your attention is likewise true, I dare say, with reference to every department of this Government.

Now, then—

Mr. BURROUGHS. Will the gentleman yield?

Mr. WOOD of Indiana. For a brief question.

Mr. BURROUGHS. Is it not true, whether under civil service or not under civil service?

Mr. WOOD of Indiana. No; it need not be true. I believe that if we had some system whereby the head of a bureau, who is responsible for the output of the work of a given department, would have some latitude, who could say to the people who are working under him, "You shall do a dollar's worth of work for every dollar paid or I will strike you from the list," that would be efficacious. But he can not do it. Criticize them as he may, there is but one way he can get rid of them, and that is to prefer charges of inefficiency, and we all know how hard it is to get rid of them in that way, unless the misconduct is most flagrant. Frequently Government employees are heard to say, "I am under the civil-service protection of this Government; get me out if you can." That is the position they occupy; so I say instead of enlarging the thing we should restrict and confine it, if you please, to the smallest possible number. Some may think I am speaking in this vein because of the fact it is more difficult under the classified service to get political appointments than otherwise. That has never entered the equation as far as I am concerned. In the examinations that occur every year before the committee having charge of the legislative, executive, and judicial appropriation bills of this Government witness after witness advise us that the bane of the civil service as it applies now is because of the fact that they can not get the work out of these men and women that they ought to get out of them. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I am surprised by the remarks of my distinguished friend who has just taken his seat in regard to the civil service. Some

six years ago when the head of one of the departments changed there was an effort then to have those who could not do the work retired. There were some four cases of old men in the service down at the building then on Seventh Street who were retired in the course of about a month. Three of them committed suicide and the other one came back and threatened to do the same. He was retained. A howl went up by the various Members opposed to the department at that time that the civil-service rules were not being complied with and that men and women who had given their life service to the Government were being discharged. The department head said he had not been discharging others because these old men—

Mr. WILLIAMS. Will the gentleman yield?

Mr. RAKER. Not for the present. Now we pass a retirement bill so as to relieve that situation, for those who had given a sufficient amount of service to the end that they might be in a partial way provided for, that only those who were competent and capable of doing the work under the civil service should remain there. Can it be possible now that any head of a department permits it, if the statement by the gentleman from Indiana, my distinguished friend, is correct, that only half service is given, and that the law is violated, and that the department will not exercise its proper function and relieve from the service because of inefficiency men or women who fail to do their work and only do one-half the proper amount? But the trouble is that we find those people now in the civil service who are doing their work and doing it efficiently and properly. There are some who have gone in lately who want to beat out or turn out those who are in the service because they are doing effective and efficient service for the Government.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. RAKER. I will.

Mr. WOOD of Indiana. It was said in support of the retirement bill that if this became a law it would result in a reduction of the civil-service employees of the Government. The fact has been disclosed that it has not resulted in the discharge of a single person or the retirement or a reduction of the classified force of the Government. In other words, we have a retirement bill now and we have the full quota of clerks.

Mr. RAKER. I will answer that in a moment. I now yield to the gentleman from Illinois.

Mr. WILLIAMS. The argument the gentleman was making that the civil service tended to induce suicide is the best argument I have ever heard for this bureau. [Applause.]

Mr. RAKER. I am surprised to hear gentlemen on the other side clap their hands in favor of a statement like that when a person, man or woman, has given 25 or 30 years of the best of their life to the Government service and no arrangement has been made to take care of them, and they are turned out either on the street or have to go to the poor house. Why, suicide is a thousand times preferable to the hospital or the poor house. What else can the poor devil do except commit suicide?

Mr. ROSSDALE rose.

Mr. RAKER. I want to call attention to the fact that in inquiring of the departments you have to take some of their statements or reduce their force, but they can not reduce the force and do the enormous amount of work that is being done, and I think it is unjust without an inquiry or investigation to say of these splendid young men and young women who are giving this service to the country and the department in which they are working that they are only doing half service in the department. It is not the fact.

Reduction is all right when it can be properly done. Do not criticize and belittle, though, those who are faithful and are needed. Weed out the ones not needed or who are not working if any such there be, but do not make the general statement that these employees of the Government are only giving half of their time when they are being paid for full time. This is a very unjust statement. I can not bring myself to believe that the head of any of the Government departments or bureaus are so far forgetful of their duties to permit any such conditions to exist as described by the gentleman from Indiana.

Mr. GOOD. Mr. Chairman, I fear that some Members of this House fail to comprehend the meaning of the verdict of last November. If that verdict meant that this Congress should legislate a system of economy that would be a great revenue producer, then we must give to the executive branch not a spoilsman's bureau but a bureau that will enable the President of the United States to reach out and call in the experts whom he must have to assist him in making up the budget. [Applause.] This is not the place nor the time for a spoilsman. We are trying to enact a bill that will permit the President of the United States to obtain the very best organization irrespective of the political forces that may be seeking appointment.

Mr. MURPHY. Will the gentleman yield?

Mr. GOOD. For a brief question.

Mr. MURPHY. The gentleman has made the statement that he is trying to have a bill that would place in the hands of the President the power to do certain things, and yet in the bill, in the very first clause, almost, he gives to a \$10,000 man a right to snap his fingers in the face of the President. [Applause.]

Mr. GOOD. The bill provides that the President shall appoint the budget officer.

Mr. MURPHY. And he can not remove him, either.

Mr. GOOD. When a man wants to be a spoilsman, the first thing he wants to do is to violate the law. What we are trying to enact here is a law that will give the President of the United States a competent force. I will say to the gentleman that every man that came before the Committee on the Budget, without a single exception, said that unless we made this force one that would be developed and trained under the director and assistant director and would become familiar with the duties of the bureau, we might just as well not attempt to do anything in the way of budgetary reform. Now, Mr. Chairman, how will this force be created? The President will appoint, without regard to the civil service, the director of the budget and the assistant director. The President will then cause to be prescribed rules with regard to an examination that will permit him to get the kind of men he wants, and the kind of men the President wants are the men who have been making a study of State budgets and of the National Government, not men who have been able to control a ward or a county or a State politically, but men who are students of economy. And then it is proposed to offer something to those men so that they will stay in the service and enable them to become really efficient in this bureau.

Mr. ROSSDALE. Mr. Chairman—

The CHAIRMAN. The gentleman from New York is recognized for a question.

Mr. ROSSDALE. I rise in opposition to the substitute to my amendment.

Mr. GOOD. Mr. Chairman, the time for debate is fixed.

Mr. ROSSDALE. But you are taking all the time. [Laughter.]

Mr. GOOD. I am going to exercise my right.

Mr. ROSSDALE. First you fix the time, and then you take it. Why do you not give us a chance?

The CHAIRMAN. The 15 minutes provided by the motion have expired. The question is on the adoption of the amendment by the gentleman from Illinois [Mr. WILLIAMS] to the amendment offered by the gentleman from New York [Mr. ROSSDALE], which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WILLIAMS to the amendment offered by Mr. ROSSDALE: Strike out "\$3,000" and insert in lieu thereof "\$2,000."

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. GOOD. Division, Mr. Chairman.

The committee divided; and there were—ayes 26, noes 124.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from New York [Mr. ROSSDALE], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROSSDALE: Page 7, line 4, after the word "of," strike out the figures "\$5,000" and insert in lieu thereof the figures "\$3,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. COOPER of Wisconsin. Mr. Chairman, I wish to offer an amendment to the section that we have been considering.

The CHAIRMAN. The gentleman from Wisconsin can offer the amendment. The Clerk will report it.

The Clerk read as follows:

Amendment by Mr. COOPER of Wisconsin: Page 6, line 17, strike out the word "such," and in line 18 strike out the word "such," and after the word "office," in line 22, strike out "as Congress may from time to time provide," and insert, after the word "office," the following: "within the appropriations made therefor."

The CHAIRMAN. The question must be submitted without debate. The Clerk will read the paragraph as it would read if amended.

The Clerk read as follows:

SEC. 208. (a) The director, with the approval of the President, shall appoint and fix the compensation of attorneys and other employees and make expenditures for rent in the District of Columbia, printing,

binding, telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, and necessary expenses of the office within the appropriations made therefor.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. COOPER].

The question was taken, and the amendment was agreed to.

Mr. ROSSDALE. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record. I want to say those things in the Record that I would like to have said if the gentleman from Iowa [Mr. Good] had not said so much.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the Record with a view of setting forth that which he was prevented from saying on the floor. Is there objection?

Mr. MCCLINTIC. Mr. Chairman, reserving the right to object—

Mr. SNELL. Regular order, Mr. Chairman.

Mr. GOOD. I hope the gentleman will not object.

Mr. SNELL. Mr. Chairman, I demand the regular order.

Mr. MCCLINTIC. You have a Member on that side of whom I would like to ask a question. So I object, without asking it. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 209. The bureau, when directed by the President, shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services. The results of such study shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports or any part thereof with his recommendations on the matters covered thereby.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I approve this bill and shall support it, but I have no hesitation in risking my reputation as a prophet as to results from legislation by saying it will not accomplish all, or anywhere near all, that is being expected of it. This bill will not stop deficiency appropriations, which are the great evil in our governmental expenditures, nor will it stop the department heads from grasping at all that they think they want for their particular divisions. Years ago, when the question of the resumption of specie payments was before this House, somebody said: "The way to resume is to resume." The way to economize is to economize, and not merely to theorize; and that will not be done until this House resumes its prerogative of controlling the expenditures of this Government. This House has that power under the Constitution, and it ought to exercise it, but I venture to predict that after the bill has become a law there will be the same old story of Congress trying to hold appropriations down and the department chiefs trying to keep them up, and this bill will not help us in the contest.

The department expenditures have been controlled largely by the department heads since the European war broke out. This bill will fix some responsibility upon the Executive, and to that extent I think it will be productive of some good. But it will not hold down the department heads; it will not prevent them from going ahead with expenditures which necessitate deficiency appropriations, nor will it strengthen the laws which now forbid the creation of deficiencies. Those laws appear to be insufficient, but if we are to have any real economy these matters must be controlled by this House.

Let me say this with reference to deficiency expenditures, and I challenge any Member of this House to refute the statement, that in nine cases out of ten if the department heads had been willing to come to Congress and ask for additional appropriations they could have done it in plenty of time to have avoided their deficiency estimates if they were necessary, and this fact shows that the department heads have been deliberately going over the head of Congress instead of coming to Congress when they had the time and opportunity, before the necessity arose for the extra expenditures, to ask for additional appropriations. They have spent the money first and then asked Congress to approve their action, as in almost all cases it became absolutely necessary for us to do. There was nothing else that could be done.

Now, what is necessary? A necessity arises for a general limitation of appropriations, and, in accordance with this budget system, the President and the administration in the first instance must fix and recognize the total amount to be expended. So far I agree with the bill and so far I agree that it will be productive of much good. But unless these men are held down and Congress maintains its right which it has under the Constitution little will be accomplished.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HUSTED. Does the gentleman think it is practically possible to eliminate all deficiencies?

Mr. GREEN of Iowa. Not in time of war, but it would be possible in time of peace to eliminate all of them. In fact, they would be eliminated if the law was complied with. We got so accustomed to the law not being enforced during the war that department heads have since been violating it with impunity. The law forbidding the creation of deficiencies should be enforced, and if it is not strong enough to stop this pernicious practice, which has been costing the Government hundreds of millions of dollars every year, then there is no subject for which there is so much need of congressional action.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. STEVENSON. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. STEVENSON. Mr. Chairman, the gentleman who has just spoken [Mr. GREEN of Iowa] has spoken of the excessive expenses of the Government being largely chargeable to the heads of departments. I think in view of our experience here we should charge some of it elsewhere. For instance, last week we passed the Naval appropriation bill, under considerable protest, carrying \$396,000,000. I note in this morning's paper that on yesterday in another body \$100,000,000 was added to that bill, and I make the prediction here that at least \$75,000,000 of it will stick to the bill when it goes to conference and we finally adopt the conference report.

There are other places where additions are made to these matters besides the heads of departments, and this House frequently lies down and allows another body to add very materially to the burdens of this Government. I hope in this instance it is going to show in conference the backbone not to submit to it.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. GREEN of Iowa. The gentleman will admit that that \$100,000,000 is not being added without the absolute insistence of the department?

Mr. STEVENSON. Yes; but this House has not yielded to the insistence of the department, while the other body has, and if we do not look out we shall yield to it.

I notice by the comprehensive statement of the Secretary of the Treasury the other day that we were expected to see expended in the next fiscal year \$1,100,000,000 by the War Department and the Navy Department. We are endeavoring to appropriate for those two departments in this House \$750,000,000, in round numbers. Now, where are they going to get the money to expend on those two departments if Congress does not provide it? And where will it be added? If we follow the precedents which I have noticed since I have been in the House we are going to submit to the enlargement of the expenditure. It seems to me that when we begin to make these moral lectures here about the heads of departments, we had better apply a little bit of them to the legislative department.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. GREEN of Iowa. I think the gentleman has always found me cooperating with him along those lines.

Mr. STEVENSON. Yes. But the difficulty is that we merely moralize and do not cooperate in carrying out the moral lessons that we inculcate here. I hope the committee will cooperate this time. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out the last two words of the section.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last two words of the section.

Mr. BYRNS of Tennessee. Mr. Chairman, everyone must recognize the fact that no law can be passed regulating the manner in which estimates shall be submitted to Congress and considered by Congress and be effective in bringing about economy unless there is behind it the good faith and the earnest intent of the executive department and also of Congress to effect economy.

The gentleman from Iowa [Mr. GREEN] says that Congress must be in earnest in behalf of economy in order that this or any other law may become effective. This bill certainly is an improvement over the existing method of submitting estimates and making appropriations, because now there is absolutely no

responsibility fixed by law, with the proper machinery to carry out that responsibility on the part of the Executive or any Cabinet head. This law undertakes to fix upon the President of the United States the responsibility of submitting these estimates in the first place, and I agree with the gentleman from Iowa that unless, after these estimates come forward, Congress itself shows an economical spirit, there will be no economy.

I think the departments are not to be altogether blamed for the era of extravagance under which we are laboring. Congress is at fault also, for I remind the gentleman from Iowa that in the last analysis Congress is responsible for all the appropriations that are made. Only on Monday of this week we had an illustration here of duplication and extravagance on the part of this House, and that was with reference to the Reorganization Committee. That Reorganization Committee proposes to reorganize the executive departments. It was called to the attention of the House at that time that this budget bill, which it was proposed to adopt, provided for the regrouping and reorganization of the departments, and that it would work a duplication.

And yet the joint resolution which was before the House at that time, providing among other expenses for a position paying \$7,500 a year, to be filled by the President of the United States, and to be, as it were, a part of the congressional committee to reorganize the departments, received the support of the gentleman from Iowa [Mr. GREEN], who now undertakes to criticize the House on account of its extravagance. I submit, gentlemen, that in passing upon these propositions for appropriations, Congress, as the gentleman says, should exercise greater scrutiny and greater economy, and it should be careful not to increase the duplications and to create useless and unnecessary offices at high salaries. I want to emphasize what the gentleman had to say with reference to the importance of Congress scrutinizing these appropriations and exercising greater economy than it has in the past, regardless of whatever law may be passed.

Mr. REAVIS. The Committee on Reorganization, to regroup the activities within the departments, was organized under a resolution passed by the last Congress, for which the gentleman voted.

Mr. BYRNS of Tennessee. I beg the gentleman's pardon. I did not vote for it. It was passed in December by unanimous consent, and there was no vote. I made no objection to it. I do not know whether I was present in the House at the time. I am inclined to think I was in committee.

Mr. REAVIS. There was no objection on the part of the gentleman, and if there were duplications they came by the passage of that resolution in the last Congress.

Mr. BYRNS of Tennessee. But the gentleman will recall that he brought up the same resolution in the closing days of the session which ended in June, and that the gentleman made a motion to suspend the rules and pass the resolution, and I made a very active fight against it and the House voted it down at that time. It was called up subsequently in December. I do not know how many Members were present at the time, but it was passed without objection on the part of anybody and within two or three minutes, and without debate, as the record will show.

Mr. ANDREWS. Mr. Chairman, I am opposed to the pro forma amendment. Let me call attention to this fact: In the subsequent parts of the bill some important provisions are proposed in regard to an independent accounting system. In that part of the bill we will find the instrumentality for the accomplishment of the things we are complaining about. How can deficiencies arise? Of course, they are overdrafts on appropriations. If an appropriation is inadequate to meet a public need a deficiency is bound to follow if the need exceeds the provision. But it is the duty of the accounting officers of the Government to stop payment the very minute the appropriation made by Congress has been exhausted. Mark you, gentlemen, that is one of the important duties of the accounting system. The accounting officers, however, in times past may have yielded to the executive demand for the statement of accounts beyond the limits of appropriations. If they did, they violated their duty under the law. If there is in the law a standing provision authorizing the incurring of an indebtedness, an auditor may state an account to be submitted to Congress for an appropriation to liquidate that obligation. If the appropriation, however, fixes the limit to the incurring of indebtedness, it is the imperative duty of the accounting officer to stop at that limit. Now, when we make provision for an independent accounting system the accounting officers will be emancipated from the executive demand, and right there you will find one of the strong commendations for this bill.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman.

Mr. GREEN of Iowa. The gentleman from his experience no doubt states the law correctly and as I have always understood it; but I am at a loss to understand how all of these deficiencies could be incurred if that provision of the law was followed. It seems to me the law has been evaded or overlooked or not complied with.

Mr. ANDREWS. If the committee will pardon a personal reference, I could cite you to several years of fierce encounters in the department upon this proposition. For a long period of time it was the common practice of many executive branches of the Treasury Department to certify accounts after the appropriation had been exhausted. When that was called to my attention incidentally one day, I called up the whole record in that line of business. I went to the Secretary's office and called attention to the necessity of stopping the payment at that point. Then instructions were issued to the clerks in the office of the Auditor for the Treasury that whenever an appropriation had been exhausted any proposed account in excess of the appropriation should be returned to the Secretary's office or to the branch of the service whence it came with the information that the appropriation set apart by Congress had been exhausted and that there was no further authority on the part of the auditor to state an account. Then the administrative office was left to pursue its own course and assume its own responsibility. If upon its own motion and responsibility it expended more money it would have to come to Congress and make the explanation. That ruling stopped accounts of that character.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDREWS. May I have five minutes more?

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. HUDSPETH. Will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Texas.

Mr. HUDSPETH. According to the gentleman's statement the law has been evaded in the past. What assurance can the gentleman give at this time that this law will be observed if the law we already have upon the statute books has not been observed?

Mr. ANDREWS. The Comptroller of the Treasury Department is the officer primarily responsible for every overdraft of that character. There is no escape from that responsibility. I charge here and now that the Comptroller of the Treasury could have stopped every one of those bills if he had been disposed to do it. With an independent accounting system there will be no chance for executive pressure behind him. On the other hand, if he overreaches, Congress can call him to account and pass its concurrent resolution and dispose of him and get somebody who will obey the law.

Mr. STEVENSON. Will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from South Carolina.

Mr. STEVENSON. Suppose in cutting off expenditures of that kind he angers Congress. Will he not be in great danger then of having Congress put him out?

Mr. ANDREWS. Oh, well, we will have to take our chances on that, and so will he; but I venture the prediction that you will not find many men declining the appointment at \$10,000 a year. He will take the risk. But the point is that this bill as we propose it now with an independent accounting system of officers in control of the audit of public accounts will be free from executive authority that in the past has pressed them over the line. That is one of the most practical features of this bill.

But before concluding my remarks I desire to refer to another provision of the bill. The Senate bill proposes the establishment of a bureau of the budget in the Treasury under the general supervision of the Secretary of the Treasury and the specific direction of the President. The House bill proposes an independent budget bureau under the immediate supervision and direction of the President. Under the terms of the House bill the President will be required to give his personal consideration to the organization, direction, and work of the bureau.

It is argued by the chairman of the committee that it would be unwise to place the bureau under the Secretary of the Treasury, because of the vast amount of work imposed upon him by the Customs Service, the Internal-Revenue Service, the Public Health Service, the Bureau of War Risk Insurance, and all the other agencies of the Treasury Department. For those reasons it is asserted that the Secretary of the Treasury would find it impossible to give proper time and attention to the bureau of the budget. It is a frightful flight of imagination to assume, however, on the other hand, that the President has

more time to superintend the work of the budget than the Secretary of the Treasury could find. It will be recalled that the Secretary of the Treasury has only one department to superintend, while the President has all the departments of Government under his supervision and then many other things beside.

I am confident that the budget bill could be administered just as efficiently under the Secretary of the Treasury, with the general direction of the President, and that it would be far more economical than it would be as an independent bureau.

For these reasons I earnestly hope that in the final decision of the conferees the Senate plan will be adopted and that the bureau will be established in the Treasury under the supervision of the Secretary of the Treasury.

Mr. STEVENSON. Mr. Chairman, I withdraw my pro forma amendment.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 7, line 14, after the word "changes," strike out the language "With a view of securing greater economy" and insert in lieu thereof the following: "economy is a thing impossible with Congress."

Mr. BLANTON. Mr. Chairman, when the President of the United States sent word that he was going to stop deficiencies and directed that the most rigid economy be practiced, I had some hope that there would be economy. But after reading the headlines in the Washington newspapers this morning I think that we who hoped for economy may as well throw up our hands and stop working for it.

When I took up the Post this morning about the first thing I saw in big headlines was "FOCHT would give city \$100,000,000." As soon as I saw that I said, "Bully for FOCHT, he is the most generous, magnanimous man I have heard of in a long time." Then I picked up the Herald and learned that it was not his own money he was going to give, but some one else's money. In the Herald it quotes our friend, Mr. FOCHT, as follows:

With me the sky is the limit to make Washington the greatest city in the world, and I would spend \$800,000,000 to make it surpass the olden cities of the Nile, the famous metropolis of Egypt and India, and rival ancient Nineveh.

Then I discovered that the \$800,000,000 was coming not out of his own pocket but out of the Public Treasury, out of the people's money. I turned back to the Post again and read more of what the gentleman said. You remember the old saying "before and after taking," and "Phillip drunk and Phillip sober"; that is what I was reminded of. Because our friend from Pennsylvania, chairman of the District Committee, when he was undined the papers quoted him as saying that there was no \$5,000,000 surplus in the Treasury to the credit of the District, but that same was a myth.

But after the banquet last night and after being dined, if not wined, as reported by the Post, he says this:

The sky is the limit, so far as I am concerned. I come from Pennsylvania where we are accustomed to spend money. Representatives from Pennsylvania are not in the same position with people who come from the jack-rabbit sections of the South and some parts of the West, where there is not much money.

[Laughter.]

He says that he is used to spending money and therefore he would give the District \$100,000,000 for schools and spend \$800,000,000 here in a way that would make the Babylonian king if he could rise up envious of the hanging gardens he would place in Washington. [Laughter.] But why should he jump on the jack-rabbit sections of the South and West? Why, a short time ago the people of my home city, with officers of the Christian Church, matched dollar for dollar and raised a substantial sum to build a magnificent Christian college there. Years ago the enterprising business men of my home city helped the officers of the Baptist Church raise a substantial sum of money to build a magnificent Baptist college in my home city. A few weeks ago these same citizens of my home town matched dollar for dollar with the officers of the Methodist Church, and raised the required sum of money, and they are to build a magnificent Methodist college in my home city. But it was their money that they donated, and they took it out of their own pockets. They were spending their own money.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. He says that the Representatives from Pennsylvania are used to spending money, but that the people from the jack-rabbit sections of the South and West are not used to

it, and yet less than six months ago a splendid young man from my district, Mr. C. M. Caldwell, of Breckenridge, Tex., who is younger than the gentleman from Pennsylvania, and who when he started out at 21 years of age was not worth \$500, out of his own money, every dollar of which he made himself, he contributed in one lump sum \$100,000 cash to a school in his district. And yet they are not used to spending money in the jack-rabbit sections! [Laughter.] Why, you could take the whole State of the gentleman from Pennsylvania, who is willing to spend \$800,000,000 of the people's money from the Public Treasury so readily and easily, with the blue sky as his limit, you could take his great State and hide it in the great jumbo district of Texas, which I used to represent, but which is now represented by my friend from Texas, Mr. HUSPETH. [Laughter.] Oh, they are big-hearted people who live out there. But they spend their own money. There may be jack rabbits there, but listen; these jack rabbits are not bad at all; there are other animals over the country, even in Pennsylvania, where they raise some almost as long eared as these jack rabbits. [Laughter.] I will tell you, gentlemen, why he is used to spending money so freely. Now, he is my friend, and I like him. I am glad to serve under him on the committee. He presides over it with great dignity, but I will tell you he has been sucking the public teat in public office for 19 long years. It is public money that he has been spending and not his own private money. We fellows from the jack-rabbit districts of the South and West are used to spending our own money freely and generously, but when we spend the people's money out of the Public Treasury we are very careful about it. We do not handle it in \$800,000,000 lots. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Texas, which the Clerk will report.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Sec. 302. There shall be in the general accounting office a comptroller general of the United States and an assistant comptroller general of the United States, who shall be appointed by the President, with the advice and consent of the Senate, and shall receive salaries of \$10,000 and \$7,500 a year, respectively. The assistant comptroller general shall perform such duties as may be assigned to him by the comptroller general, and during the absence or incapacity of the comptroller general, or during a vacancy in that office, shall act as comptroller general.

The CHAIRMAN. The Clerk called the attention of the Chair to the fact that there is an obvious error in line 24 on page 10. The language reads "with the advice and consent to the Senate." Evidently the word "to" should be "of."

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the word "to" be stricken out and the word "of" be inserted in lieu thereof.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Sec. 303. The comptroller general and the assistant comptroller general shall hold office during good behavior, but may be removed at any time by concurrent resolution of Congress after notice and hearing when, in their judgment, the comptroller general or assistant comptroller general has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment. Any comptroller general or assistant comptroller general removed in the manner herein provided shall be ineligible for reappointment to that office. When a comptroller general or assistant comptroller general attains the age of 70 years he shall be retired from his office.

Mr. JOHNSON of Mississippi. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Mississippi: Page 11, line 6, after the word "office," strike out "during good behavior" and insert in lieu thereof the following: "for seven years."

Mr. JOHNSON of Mississippi. Mr. Chairman, every student of political economy and every business man of this country realizes the need of a budget system by this Government. The waste and extravagance practiced in the past has shocked the country. I am anxious to see a budget system adopted by this Government, but I am unwilling to violate the spirit of this Republic and the spirit of these times by creating an office carrying a salary of \$10,000 a year and giving life tenure to the officer. That is what this bill provides among other things.

My amendment proposes to strike out "during good behavior," which means a life tenure for the officer, and insert in lieu thereof "seven years."

When this Government was established and our Constitution adopted, the makers of the Constitution provided that the

Federal judges should hold office during good behavior. A reading of the history of the Constitution will disclose the fact that such a provision was incorporated by agreement. The real sentiment of the convention was against giving any man office for life, but in order to bring about the adoption of other provisions of the Constitution, the opponents of the life tenure for Federal judges agreed to accept, by way of compromise, the provision which made the Federal judges appointive during good behavior. Never since then has the Congress of the United States given life tenure to any officers.

It has been argued that unless we make this office appointive for life, or during good behavior, that the officer will be subject to undue influence—that he will not do his duty. My answer to that is if a man is dishonest, life tenure in office will not make him honest. If he will not do his duty holding office for seven years, he will not do his duty if he is allowed to hold office for life. Under the provision of my amendment, the appointee to the office you are about to create will hold all during this administration and three years of the next administration, which would give the administration succeeding this administration opportunity to learn of the efficiency of the occupant of the office.

We, as the servants of the people of this country, should voice their sentiments in passing upon this important question. You know that there is not a man in this House whose constituency would approve the creation of an office that would allow any man to hold it for life. Let us vote the will of the people. Let us adhere to the teachings of that great leader of Democracy, Thomas Jefferson, who did not believe in special privileges and who was unalterably opposed to life tenure for officers.

I trust you Congressmen will have the courage to vote your sentiments and the sentiments of your constituents, and ignore the party bosses. [Applause.]

Mr. GOOD. Mr. Chairman, this provision as carried in the bill is the same provision carried in the bill vetoed by the President. Although the last Congress was Republican in political complexion it brought out a bill that permitted the President of the United States, who was then of the opposite political faith, to appoint this official, and he would have been appointed for life. Every man who came before the committee pointed to the fact that this office is a semijudicial one, that to execute it well would require a man who was familiar with the laws of the United States, familiar with the decisions of the Comptroller of the Treasury, and a man who had an intimate knowledge to some extent of the accounting in the departments. Simply because there has been a change in the political complexion of the Executive seems to be no good reason to change the situation with respect to this office.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. GOOD. In a moment. I am afraid that the gentleman's amendment would very seriously hamper efficient execution of the law.

Mr. JOHNSON of Mississippi. I want to say to the gentleman that I voted against this bill for the reason that I have given for voting against it to-day. If this provision stays in the bill, I am opposed to it, whether it be advocated by a Democratic or a Republican House. This is a matter that ought not to be political or partisan.

Mr. GOOD. I agree with the gentleman, and for that reason we believe that the office is something like that of a judge of a Federal court. In order to attract a man to take this office, we must hold out something more than a tenure of office of four or seven years and then retirement.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. CONNALLY of Texas. We have heard a great deal about the benefits that are to accrue from this bill and the economy to be effected. Has the gentleman from Iowa ever heard anything against the present Comptroller of the Treasury on the ground that he had paid claims that ought not to be paid? Has not all of the complaint been that he failed to pay claims that somebody thinks ought to be paid?

Mr. GOOD. I do not know about the complaints that have been made about him. I think he has been a very efficient man. I think under the present law you could not find a man who would have executed that office more strictly than he has. I think, however, if you will go to the present Comptroller of the Treasury and ask him whether or not under the present system embarrassments do not come to him right along, that he will be forced to admit that that is true; that the system is wrong; and I say that without reflection upon anybody who has ever held the office.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. KNUTSON. Is it not a fact that if the amendment offered by the gentleman from Mississippi be adopted it would defeat the very thing that he is trying to accomplish?

Mr. JOHNSON of Mississippi. Why?

Mr. KNUTSON. The amendment would throw the office into politics rather than to take it out of politics.

Mr. JOHNSON of Mississippi. I provide tenure of office which takes it over the present administration.

Mr. KNUTSON. Whereas if we keep him in during good behavior—

Mr. GOOD. The framers of the bill, I think, without a single exception were convinced that the assistant comptroller would grow into the position of comptroller when the latter retired. The office would then be filled by a man who would know the statutes and who is familiar with the very numerous decisions under them. I hope the amendment will not be agreed to.

Mr. NORTON. Mr. Chairman, I am very much in favor of this amendment. You have a bill here that will give general satisfaction throughout the country with one single exception, this section. Why is it now, for the first time since the adoption of the Constitution, that anybody has the nerve, I will say, to propose a perpetual office? It has never been done before in any Congress, and now you have reached the point when the American people will not stand for it. It is well known that every organization in the United States that ever questioned the matter is unanimously opposed to perpetual office, they are against life office. Even life tenure for members of the Supreme Court would not be adopted if the people could vote on it to-day, and you know it.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. NORTON. I can not now; my time is too limited. If it had not been for Jeffrey, it would never have gone into our Constitution, but it went in for the reason that the people wanted to make the judiciary independent. They were afraid of Jeffrey. I want to say to you gentlemen the time has not come for a change. A few people appeared before this committee and said so, but I have no hesitancy in saying at least 19 men out of 20, and I believe 99 out of 100, if they had a chance to vote on this, would vote no. The people of the country are against perpetual office, and everybody knows it. Why, every labor union and every other class of people are opposed to it all over the country. I tell you people from the country you do not hear from them, but I want to say to you they are unanimously against it. You can not find a man from the city who is in favor of it, or among the general class, nor laboring men, and even the farmers are opposed to these things. Gentlemen, the time has not come for this kind of legislation. You are all anxious to get your name in the Record under extension of remarks. I will ask what man under extension of remarks will put in his speech the fact that he is for perpetual office in the United States? You are all getting in on the budget system. You all want to be economical, and you speak five minutes and get a speech a half an hour long in the Record and send them out by the hundreds and thousands. That is the economical part of it. I want to say to you gentlemen not a single man extending his remarks will ever do such a thing as to say that he is for perpetual office in the United States.

The people even went so far as to change the election of Senators so that even the legislatures could not elect them. You state you want to fix the responsibility on the President, and for that reason you substituted this bill as a substitute for the Senate bill. It was right and proper. Somebody should be responsible, and the man who should be responsible is the President of the United States and the substitution of the bill was right. But it is not right to say that somebody shall hold this office eternally. The time has not come for it, and I want to say to the gentlemen on the other side of the House, if they did not know that this is going to be Republican legislation they would take the same position that their President took and say, "We will not make any office perpetual." They know the Republicans are going to be responsible for this legislation. They know that they have got to go to the public with it and have to be responsible for it, hence they can all vote for it now; but I want to say to you one and all, you men who are Republicans, everybody on this side of the House, you have come here with a bill that the people want, a budget system, and everybody is in favor of it, yet with that one paragraph you have done more to kill the bill and make it the worst legislation that can possibly be passed by this Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUSTED. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I rise to ask the chairman of the committee a question, if he will be so kind. The life tenure propo-

sition in this bill would not worry me any if we could be sure of getting the right sort of man to execute this office. It occurred to me there might be some danger if we were unfortunate enough to have a man in office under a life-tenure provision who was not quite equal to the job. It might be difficult to get rid of such a man. I suppose that has been carefully considered?

Mr. GOOD. It has. I will say to the gentleman that that was one of the things we considered perhaps as much as any one proposition in the bill. Now, it is not a life tenure. He can not hold office after reaching the age of 70 years. He can not hold office a moment after Congress has by concurrent resolution determined that he has been inefficient or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude. This officer is to be the arm of the Congress. When he fails to do that work in a strong and efficient way, in a way the Congress would have the law executed, Congress has its remedy, and it can reach out and say that if the man is not doing his duty, if he is inefficient or guilty of any of these other things, he can be removed.

Mr. HUSTED. I realize that, but you have to make out a pretty good case against the man in order to get rid of him. This has occurred to me. Suppose some man was developed in the country with peculiar qualifications for this kind of work and we would like to avail ourselves of his services because he possessed special fitness for it. I wondered if under this life-tenure provision it would not be very difficult to get rid of the man we had in this department unless he demonstrated decided unfitness.

Mr. GOOD. On the contrary, I think the man who executes this office will at all times have to demonstrate considerable fitness for the job. Suppose you have the office for seven years—

Mr. HUSTED. I was not speaking of the 7-year provision.

Mr. GOOD. Take the alternative. Suppose the man who is appointed is unfit for the work altogether. Are you going to hold him there for seven years? Not at all. He ought not to be permitted to stay there at all, but if you put in a term, what will happen?

The Presidents would always treat the place as a political appointment, and that is exactly what we try to get around. It ought not to be considered a political place at all.

Mr. HUSTED. I quite agree with that.

Mr. KNUTSON. Mr. Chairman—

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. KNUTSON. Mr. Chairman, I voted for this bill in the Sixty-sixth Congress, and it contained identically the same provision as does this one. I was willing that President Wilson should appoint the comptroller general, as I am willing that President Harding shall do now. I believe the committee in drafting this bill was actuated by a desire to remove this office from politics; but if the amendment proposed by the gentleman from Mississippi [Mr. JOHNSON] is adopted, we are going to throw it into politics and you can not get away from it. The gentleman says that no man should hold this position for more than seven years. It will take him four years to familiarize himself with the duties.

Mr. JOHNSON of Mississippi. If it will take him four years to become competent, where will this Government be in four years?

Mr. KNUTSON. I mean to thoroughly familiarize himself with the duties of this office. I am not speaking of competency, but of his becoming thoroughly familiar and knowing exactly what to do.

Now, take the clerk of the Committee on Appropriations, Mr. Shields. He holds over, no difference whether the Democrats are in control or the Republicans. Why? Because he is efficient and knows his business. [Applause.] We have taken the clerk of the Appropriations Committee out of politics, and why should we not keep this position out of politics? There is no justification at all for the amendment proposed by the gentleman from Mississippi. The adoption of the amendment will defeat the very thing that the gentleman is trying to avoid.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. KNUTSON. For a question.

Mr. JOHNSON of Mississippi. The gentleman compares the Appropriations Committee clerk to this place. Does not the gentleman know that the Appropriations Committee clerk can be removed by a word from the chairman?

Mr. KNUTSON. Absolutely. I am aware of that.

Mr. JOHNSON of Mississippi. Then you do not think that is an analogous case, do you?

Mr. KNUTSON. Very much so.

Mr. BLANTON. Will the gentleman from Minnesota yield for a question?

Mr. KNUTSON. I think it is very similar.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. KNUTSON. I yield if the gentleman wishes to ask a question.

Mr. BLANTON. If the amendment of the gentleman should be adopted, why, the seven-year period would expire when the President would be out of office; and, according to the gentleman's idea, he would reappoint—

Mr. KNUTSON. Seven years from now Mr. Harding will be President, and he doubtless would reappoint the same gentleman.

Mr. BLANTON. I say he would reappoint him for another seven years. Then, why should the gentleman object to seven years?

Mr. KNUTSON. He may appoint him for another 7 years, and in 14 years there might be a Democratic President, although I do not apprehend we will have a Democratic President for 50 years.

Mr. BLACK. Mr. Chairman, I agree with the statement, as I am sure we all agree, that the comptroller general should not be a political office. I do not think the proposed comptroller general should be any more of a political office than membership on the Federal Reserve Board should be a political office. Both classes of officials have very important duties to perform, which are strictly nonpolitical, and they should be entirely removed from politics. But while that is true, we have not given the members of the Federal Reserve Board a life tenure in office. We have limited their term to 10 years, and I am not sure but that a term of 7 years would be better. There is now a bill before the Banking and Currency Committee which seeks to lengthen the term to 12 years. As a member of that committee, I do not mind saying that I am irrevocably opposed to the lengthening of the terms of office of the members of the Federal Reserve Board. I think these strictly nonpolitical officials should be appointed for a reasonably long term of office, but I do not think the term should be so long as to practically amount to a life tenure.

Now, suppose we adopt this bill as now written? We say that the comptroller general shall hold office during good behavior, and that he can be removed only in one way, and then only for certain specified causes. The way is by a concurrent resolution of Congress.

Now, we very well know that frequently the Senate has one mind about a thing and the House of Representatives has another mind about the same thing. Now, suppose after the comptroller general gets in office, and after he has served a while, the Committee on Appropriations of the House of Representatives should become convinced that he is inefficient and would like to remove him; suppose the Committee on Appropriations of the Senate thinks that he is doing good work and is efficient and opposes removing him, how will you get rid of him? Looks to me like in a situation of that kind he would be a permanent fixture.

Mr. LONDON. Does it not lie within the power of Congress to deny an appropriation for the salary of a man at any time?

Mr. BLACK. Yes. The gentleman from New York is right about that; but we do not want to adopt that method of dealing with the situation. A resignation could probably be forced in the manner that Mr. LONDON suggests. But a better way is to have a term of office reasonably limited, and then if the official proves to be competent and efficient reappoint him. In my judgment, a man who is afraid to do his duty because he is afraid of public opinion or political influence would be just about as afraid of that influence in a permanent tenure of office as he is in an elective tenure of office. In other words, if a man has the backbone to make a good official, he will make it regardless of public opinion or political influence. If he has not got it, he will not do much good, regardless of how long you keep him in office.

Mr. Chairman, I think it is a serious departure for us to undertake to create offices to hold during good behavior, even in unusual cases, such as we are now considering.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BLACK. I yield to my good friend.

Mr. CONNALLY of Texas. Would not the fact that this officer holds his tenure practically at the will of Congress make him susceptible to the very influences which the gentleman from Iowa [Mr. GOOD] says he is susceptible to now, and that Members of Congress would be pleading with him to pay claims that he would not otherwise pay? Would he not do things and ac-

cede to them because he knew that Congress could remove him whenever it wanted to?

Mr. BLACK. Yes; he would do that very thing, in all probability, if he should turn out to be a man susceptible to political influences; but as a further answer to that inquiry, I will repeat just what I said a little while ago: My belief is that if a man is an honest official, if he is an official with backbone, he will do his duty regardless of the length of his term of office, and he will not need life tenure to bolster him up in doing it; and if he is not that kind of material he will make a failure, and under the terms of this bill might be very hard to get rid of. Therefore I will vote for the amendment by Mr. JOHNSON limiting the term of office of the comptroller general to seven years.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I am as much opposed to life tenure in office as any man in this House, and I do not think there is any other position which could be created, certainly none that I now can think of, for which I would vote for a term of office such as is provided in this bill.

Let me emphasize the fact that this is not a life tenure. Under the terms of this bill the comptroller general is appointed to serve during good behavior unless he is removed by concurrent resolution of Congress, after notice and hearing, for inefficiency or neglect of duty or malfeasance in office or any felony or conduct involving moral turpitude, so that it is not, strictly speaking, a life tenure.

The gentleman from Texas [Mr. BLACK] says that we do not give the members of the Federal Reserve Board a life tenure of office. That is true, and I agree with him. I am not in favor of increasing their term of office. But this is an entirely different proposition, and I hope gentlemen will distinguish this particular office from that of the director of the budget, who serves the President and who is the personal representative of the President. The comptroller general is the representative of Congress. He does not represent the Executive in any sense of the word, and the whole idea of the Budget Committee was to make him absolutely and completely independent of the Executive. [Applause.] The idea was to make him independent of the appointing power of any Executive who may hereafter follow him.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. BLACK. I have a question I wish to ask the gentleman. The question I propose to ask is, Would this be very different from the removal of a Federal judge?

Mr. BYRNS of Tennessee. Of course, this official, even under the terms of this act, would be subject to impeachment. But that is another process, and we felt that this man should be brought under the sole control of Congress, so that Congress at any moment when it found he was inefficient and was not carrying on the duties of his office as he should and as the Congress expected, could remove him without the long, tedious process of a trial by impeachment.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. CLOUSE. The gentleman being a member of this committee, I would like to ask him whether or not the language used in this act which relates to the removal of this officer means that he can be removed only by a concurrent resolution of Congress for certain acts of misconduct involving moral turpitude, or for malfeasance in office, or inefficiency, and for no other cause, and in no other manner except by impeachment? Should the House and Senate fail to agree in his removal, would any of the causes enumerated here as sufficient grounds for Congress to remove him be available under an impeachment proceeding?

Mr. BYRNS of Tennessee. Yes. I think clearly they would be, if in the judgment of the Senate it felt that the evidence presented by the House was sufficient to remove him by way of impeachment. In other words, I do not think the Senate would be estopped in event of impeachment proceedings.

Mr. CLOUSE. That is, if the House should not concur with the Senate, the Senate would nevertheless have the power to impeach him, and for the same reason that the House advanced?

Mr. BYRNS of Tennessee. The House, of course, would have to originate the impeachment proceedings and present them to the Senate, and then it would rest with the Senate whether or not he should be removed, just as in the case of any other impeachment trial.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield for a brief question?

Mr. BYRNS of Tennessee. Certainly.

Mr. ANDREWS. If I understand the gentleman's contention correctly, it is this: That the removal by the concurrent resolution is by no means intended to destroy the power of impeachment?

Mr. BYRNS of Tennessee. By no means. But it gives a quicker and less expensive method to get rid of an inefficient servant if the comptroller general should prove inefficient or be guilty of malfeasance or other acts justifying his removal.

Now, the comptroller general, under the terms of this bill, does not expend appropriations, as was suggested by a colleague a few minutes ago. He has absolutely nothing to do with the expenditure of the appropriations made by Congress. He audits the expenditures. He acts as the auditor for Congress, to see that the appropriations made have been expended properly and honestly and in accordance with the intent of Congress as expressed in the appropriating act.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield again?

Mr. BYRNS of Tennessee. Yes.

Mr. ANDREWS. At that point would not the comptroller general be necessarily, as the head of an administrative establishment, the administrative officer for the payment of the officials in his establishment?

Mr. BYRNS of Tennessee. Yes; the gentleman is entirely correct in that.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Now, Mr. Chairman, whenever you undertake to limit the term of the comptroller general as suggested and to provide that he shall have to be reappointed by the President in seven years, you do that which the committee hoped would not be done. You deprive him of independence and make him subject, to some extent at least, to influence on the part of the Executive. In other words, if he knows that he has got to come to the Executive for his reappointment there will necessarily arise in his mind the necessity of not "getting in bad," so to speak, with these departments, and his usefulness may be impaired. The committee hoped to make him independent of that sort of influence, so that when he came to audit the expenses he would be free in the fullest sense to audit them in accordance with the intent and purpose of Congress, and would know that in this way he would guarantee his tenure in office for the time stated in this bill. That was the whole object that the committee had in mind, and I hope the House will vote down this amendment.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. KNUTSON. The object of the committee was to so fix the law that it would not be necessary for the comptroller general to cater to the executive departments?

Mr. BYRNS of Tennessee. Yes; the gentleman has stated it in a nutshell. It was to take this office out of politics. You will not take it out of politics, you will not protect him from political influence, unless you adopt the provisions in this bill.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. CANNON rose.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. CANNON. Mr. Chairman, efficiency in important places is and ought to be a reason for permanency of service. I doubt if we would ever be called upon to pass a concurrent resolution where a man was efficient. I want to detain the House for just a few minutes. When John D. C. Atkins was made chairman of the Committee on Appropriations, in 1878, we then had an A 1 efficient clerk to that committee, who had held the position for nearly 20 years. He was aging, and Mr. Atkins brought from the State of Tennessee a young man by the name of Courts and made him assistant clerk, or rather the committee made him assistant clerk at the request of Mr. Atkins. In the course of time the old clerk died and Mr. Courts was appointed his successor, and he was so efficient and satisfactory that although the majority in Congress changed from one side to the other every few years, he remained the clerk of the Committee on Appropriations for many years, until he finally died in office. I will not mention any name, but in 1880 a man became chairman of the Committee on Appropriations, and he brought down a man and wanted to appoint him as clerk to the committee. I antagonized his appointment. I had no objection

to his being assistant, but I objected to his appointment as clerk, because I knew of the efficiency of James C. Courts. I made the contest that we would elect the clerk. Although he was a Democrat, we did elect him by a majority. Later on in his life, when Mr. Courts's health was beginning to fail, Mr. Tawney brought down a young man from Minnesota and appointed him assistant, and on the death of Mr. Courts he was appointed clerk; and I want to say that there never was a more valuable clerk or a more valuable public official than the present clerk of the Committee on Appropriations, Mr. Marcellus C. Sheld. Since that time the Democrats have come in and gone out, but if then or at any other time any man had proposed a new name for clerk of that committee he would not have had any success. At one time William S. Holman brought here a young man and appointed him assistant clerk, when he was chairman of the Committee on Appropriations. In the fullness of time the Senate needed an assistant to the efficient clerk who had been there for a quarter of a century, and when he died the assistant who had been taken from the House committee, Mr. Kennedy F. Rea, was appointed clerk of the Senate Committee on Appropriations. He is there to-day, and his efficiency is so well known and well recognized that no matter whether the Senate is controlled by Democrats or Republicans, he will retain that clerkship as long as he remains efficient, which I hope may be for a very long time.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. CANNON. In a moment I will yield. I recollect that once during an exciting session of the House a gentleman whose name I will not recall obtained the floor late one night and made an attack upon myself. He said the clerk of the Committee on Appropriations had made the reputation of every chairman of that committee, whether he was a Democrat or a Republican, and I just replied in a single sentence and said, "That is so. The clerk is efficient. I wish to God somebody would hire an equally efficient clerk for the gentleman who has just made the attack on me." [Laughter.] Now, I believe that a man who becomes efficient in a place like this ought to have a long tenure.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KNUTSON. I ask unanimous consent that the time of the gentleman from Illinois be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. CANNON. I want to say that seven years is too long for an inefficient man and is not long enough for a man to remain in office who is efficient to start with. A man would have to be fairly efficient to start with before he could hold this position, and whatever party may be in power in Congress, if the comptroller has proved his efficiency by his service, there will be no necessity for a concurrent resolution; but if from disease or otherwise he becomes inefficient, the removal will be made and we will get an efficient man. Now I am glad to yield to the gentleman from Mississippi.

Mr. JOHNSON of Mississippi. The gentleman has stated practically what I wanted to ask him, but does he not recall that the Ways and Means Committee has retained a Democrat as clerk, at a salary of \$6,000 a year, because of his efficiency?

Mr. CANNON. Precisely.

Mr. JOHNSON of Mississippi. Now, does the gentleman think it is necessary to appoint a man for life or during good behavior in order to get an efficient man, and keep him after you get him? I have great respect for the gentleman's opinion, and that is the reason I ask the question.

Mr. CANNON. There are times when the American people might demand the removal of some man holding this position, but I doubt if he would be removed by concurrent resolution, provided he had made good.

Mr. JOHNSON of Mississippi. Who is to say whether he has made good or not? If this House should decide that they wanted him removed he would be removed. There is no doubt about that. The Constitution provides for impeachment and that the Senate shall try the impeachment charges. The House might vote impeachment, to be tried by the Senate, or they might pass a concurrent resolution. Suppose the Senate should not agree to the concurrent resolution, or suppose the Senate should want to put him out and the House did not? In such a case the Senate would be helpless. The House would not pass the concurrent resolution, and the House would not pass the resolution of impeachment.

Mr. CANNON. There have been many Federal judges impeached by the House, but rarely has a conviction been had in the Senate. It takes a long time to try a man in impeachment,

with the Chief Justice presiding. The passage of a concurrent resolution by the House and Senate is a more speedy remedy to get rid of an incompetent or inefficient man, whether he becomes inefficient through age or otherwise. [Applause.]

Mr. DENISON rose and was recognized.

Mr. GOOD. I ask unanimous consent that the debate on this amendment close in five minutes.

The CHAIRMAN. Unanimous consent is asked that the debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. DENISON. Mr. Chairman, I am opposed to the amendment, and am in favor of this part of the bill as reported by the committee. I think it as desirable that we have an independent comptroller general as it is that we have one who is honest and competent. If we are to have an independent comptroller general, it seems to me it is necessary to let him hold his office during good behavior and be entirely independent of the political prejudices of anyone.

Mr. Chairman, I believe the gentleman from Ohio [Mr. NORTON], in speaking a while ago on this proposition, made the statement that there was no one in the House who would be willing to state here that he is in favor of life tenure for any official at this time. He also made the statement that if the Constitution of the United States were to be rewritten no one would now favor the provision for life tenure of judges. He also made the statement, I think, that that provision of the Constitution was long since out of date. For fear that some one might take that statement of the gentleman from Ohio seriously and that if no one replied to it it might be taken as an acquiescence in the accuracy of his statement, I want to say, for one, that I believe one of the soundest provisions of the United States Constitution is that of life tenure for Federal judges. [Applause.] And if the Constitution were to be rewritten to-day I think it should be written in that particular just as it has always been. I think if the Republic is to be preserved there is no provision in the Constitution that will contribute more to insuring its preservation than the provision for an independent judiciary whose tenure of office is during their good behavior. [Applause.]

But there is one provision in this part of the bill about which I want to ask the chairman of the committee a question. Section 303 provides that the comptroller general may be removed at any time by concurrent resolution of Congress, and so forth, when he has been inefficient or guilty of neglect or malfeasance in office. I have been wondering whether or not if the one who is appointed comptroller general for life or during good behavior should become incapacitated from performing his duties properly by reason of ill health—whether that would be included in the term "inefficient." I think there ought to be some provision for removing him where he has become unable to perform the duties of his office by reason of ill health. He ought not to be allowed to continue to hold the office and draw the large salary if he should become permanently incapable of performing the duties of the office by reason of ill health. Would the word "inefficient" cover a case of that kind?

Mr. GOOD. It was the opinion of the committee that it would; that in case he could not perform the duties of his office in an efficient way, whether by ill health or lack of ability or anything amounting to inefficiency in the performance of his duty—in our opinion that would embrace the situation.

Mr. DENISON. I am glad to know that the committee gave consideration to that, but it seems to me the most efficient man that could be found might be in ill health and unable to go on properly with his duties, even though his mental efficiency was unimpaired.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. GREENE of Vermont. Do you not want the word "incapacitated" added to the word "inefficient"?

Mr. DENISON. Yes; I think it should be.

Mr. GREENE of Vermont. They are words of dissimilar meaning. He might be incapacitated and yet efficient, or he might be efficient and yet incapacitated.

Mr. DENISON. That is what I had in mind. I can conceive of a man, efficient in the public service, becoming incapacitated and yet not becoming inefficient.

Mr. GOOD. As far as I am personally concerned, I would not object to an amendment putting in the words "permanently incapacitated."

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment offered by the gentleman from Mississippi.

Mr. JOHNSON of Mississippi. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read as follows:

Page 11, line 6, after the word "office," strike out the words "during good behavior" and insert "for seven years."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. JOHNSON of Mississippi) there were—yeas 35, nays 83.

So the amendment was rejected.

Mr. DENISON. Mr. Chairman, I move to amend the bill on page 11, line 10, by inserting after the word "has" the following words: "become permanently incapacitated or has."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. DENISON: Page 11, line 10, after the word "has," insert the words "become permanently incapacitated or has."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. NORTON. Mr. Chairman, I move to strike out the entire section 303.

Mr. PARKER of New Jersey. Mr. Chairman, I have a preferential amendment to the section.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Amendment by Mr. PARKER of New Jersey: Page 11, lines 7 and 8, strike out the words "by concurrent resolution of Congress after notice and hearing when in their" and insert in lieu thereof the words "by the President after notice and hearing when in his."

Mr. PARKER of New Jersey. Mr. Chairman, I am thoroughly in sympathy with all the purposes of the committee, and with their purpose to appoint an officer during good behavior who is really a judge. They propose to get rid of the difficulties and delay of impeachment by allowing removal by a concurrent resolution. I have had my experience with impeachments both here and in the State legislature. The delay is such and the difficulty of hearing is such that it is almost impossible to get action.

But I want to point out to the committee that a concurrent resolution of both Houses of Congress after hearing is still more tedious, and involves still more delay, because there are no means provided by law by which a hearing can be had except a hearing in each House. Not only may the two Houses disagree, but such a hearing would be interminable. The time could not be given by this House and by the Senate for two hearings. There is no provision without a new law for having the hearings had anywhere else. Congress would first have to pass a resolution for a hearing to be heard before a committee and print the case, and the officer would not have a fair hearing because every Member would not study the case.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. In a moment. My proposition is that the removal shall only be for cause and after hearing, but that the responsibility for that removal shall be put upon the President instead of attempting a concurrent resolution of Congress. I believe we can trust our Presidents. If they are told they shall only remove after hearing for cause, being permanently incapacitated, inefficient, or guilty of malfeasance in office sufficient for removal, I think we can trust our Presidents, and we can get a decision. Under the present arrangement you would never get a decision if the Houses disagreed in politics, and you would not get it for a long time if they did, because there is no machinery provided by law by which hearing can be had. The President may, and he does now under the civil-service rules, remove after hearing. He provides how the hearing shall be held. In a great office like this it would be a formal hearing. He would see to it that there was a real hearing, because he can only remove for these causes, but let us have somebody with responsibility in this matter and not leave it to a concurrent resolution without any machinery except to have a hearing in each House, and therefore a double impeachment.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. Yes.

Mr. KNUTSON. The gentleman says that we can always trust our Presidents. Can the gentleman assure the House that we will always have a President who will not play politics?

Mr. PARKER of New Jersey. I can assure the House that when the President is given the responsibility of acting as a judge at the hearing, we can trust him, and you can get some sort of prompt action. You will never get any prompt action from a concurrent resolution.

Mr. KNUTSON. May I ask the gentleman where he has been during the last eight years.

Mr. PARKER of New Jersey. I have been under the President of the United States, of whatever politics, and I never fail in that respect. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. Yes.

Mr. GREENE of Vermont. The gentleman realizes that if there is one great issue that distinguishes the politics of the English-speaking people for centuries it has been the struggle for the Commons to get control of the purse, to take it away from the Executive and have absolute authority over it. Does the gentleman not think that this legislation is exactly in line and spirit with the philosophy of that centuries-old struggle, that the Commons shall control the purse, that there shall be no intermediary of the Executive who can prevent their control of it or who by some intervention may prejudice their administration of it?

Mr. PARKER of New Jersey. Mr. Chairman, my answer to that question is this: I will trust the President. If we can not do that, then appoint some court, some means, by which you have a reasonable court to determine these questions of inefficiency, and do not leave it to be done by a concurrent resolution.

Mr. FESS. Mr. Chairman, the amendment of the gentleman from New Jersey [Mr. PARKER] attempts to write into the law the very thing that we are trying to prevent. If we would avoid any legislation on the independent budget and leave it as it is, we would still have a better degree of independence than we would have if we were to adopt the gentleman's amendment. In other words, this amendment makes it worse than it is now without any change of law whatsoever. It seems to me that everyone is convinced that the independent audit is probably the most decisive demand that we have in budgetary legislation. I think all will agree that this departure is the real improvement in this legislation. I know how Members of the House feel about life tenure. I am quite aware that they prefer not to favor that, but as has been said this is not life tenure, technically, but whether it is or not, this is a peculiarly important item, expressive of the duty of an officer in administration. The genius of American political life is short terms and quick responsibility in all matters that are policy determining. That is fundamental in legislation—short terms and quick responsibility. This is not policy determining, it is not a function of that sort whatever. This is in a sense administrative. An administrative officer does not deal with the determination of policy. For that reason we care not so much for the short term and the quick responsibility in a purely administrative function. But this is not even purely administrative. While it has an element of the judicial in it, the comptroller here is simply to be a guard or a check on authority that might be above him, to influence him to make a decision to permit an outlay of the Treasury which if he were independent he would not permit. In that sense it is not even administrative; it is simply a check upon what otherwise would be administrative, and it strikes me that the independent budget here demands that the tenure of office be not contingent upon the caprice of some higher officer; in fact, dependent only upon his conduct, upon his good behavior.

If there is anything that we want to do, it is to take this man from under the influence of the executive, who is the spending department of the Government, and put him under the legislative, which is the authorizing department of the Government. Otherwise there is no independence at all.

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. PARKER of New Jersey. I have not objected to the legislation, if it could be worked out, but can the gentleman suggest any means that will be at all practical which will work, short of a joint resolution, after hearing of both Houses?

Mr. FESS. I think that what the distinguished ex-Speaker, the gentleman from Illinois [Mr. CANNON], said a moment ago will apply generally here. This is a position of great responsibility, and the man who holds the office has within his grasp the permitting or the refusing of a claim, and carries with it as much power as any other man in the machinery of government. There is not much danger of his going wrong when he has such a sense of responsibility upon him, but if he should go wrong, then the quick way to get rid of him will be by concurrent resolution of the House and Senate. There is no danger, as I see it, in the bill as written, and I think the amendment should be defeated.

Mr. GOOD. Mr. Chairman, I move that all debate upon this section and all amendments thereto do now close.

Mr. NORTON. Mr. Chairman, I object.

The CHAIRMAN. There having been debate, the motion is in order. The question is on the motion of the gentleman from Ohio.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New Jersey.

The amendment was again reported.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from Ohio [Mr. NORRIS] rose to make a motion to strike out the entire section 203. That motion is now in order.

Mr. STEVENSON. Mr. Chairman, before that motion is put I have an amendment which I desire to offer, which is to perfect the section, which I have sent to the Clerk's desk.

The Clerk read as follows:

Amendment by Mr. STEVENSON: Line 8, page 11, insert, after the word "Congress," the words "passed by a two-thirds vote."

Mr. FESS. Oh, no; that would make it still harder.

Mr. STEVENSON. Mr. Chairman, do I understand debate has been closed on this whole section?

The CHAIRMAN. The Chair is in doubt, but the Chair understood the gentleman from Iowa to move that debate be closed on the amendment.

Mr. GOOD. On the section and all amendments to it. But I have no desire unduly to curtail debate.

Mr. STEVENSON. Mr. Chairman, in order that there may be no difficulty, I ask unanimous consent to discuss my amendment for five minutes.

Mr. LONGWORTH. Mr. Chairman, the question determined by the committee was that debate on this paragraph and all amendments be closed. And I make the point of order that there is no further time for debate.

Mr. STEVENSON. I ask unanimous consent for five minutes.

Mr. GARRETT of Tennessee. Mr. Chairman, I presume it was the intention of the gentleman from Iowa to move that debate on the section and all amendments thereto close, but, if I heard the motion correctly, the gentleman did not make that motion. He made the motion that debate on the section close, but did not include the words "and all amendments thereto." What the effect of that is I do not know, but that is the motion which the gentleman made.

The CHAIRMAN. The Reporter states that the motion was on the whole section and all amendments thereto.

Mr. STEVENSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. LONGWORTH. Mr. Chairman, I withdraw my point of order, and I ask unanimous consent that the gentleman from South Carolina be permitted to debate his amendment for five minutes, and my colleague from Ohio [Mr. NORRIS] be permitted five minutes to debate his amendment.

The CHAIRMAN. Gentlemen, you have heard the request that the gentleman from South Carolina be allowed five minutes and the gentleman from Ohio also be allowed five minutes for the discussion of amendments. Is there objection?

Mr. GREENE of Vermont. Reserving the right to object, will there be some allowance of time in opposition to either amendment or only the affirmative of each amendment?

The CHAIRMAN. Of course, that question must be met when it arises. Is there objection? [After a pause.] The Chair hears none.

Mr. STEVENSON. Mr. Chairman, we are establishing a new procedure here, a new procedure in congressional action. It is not, however, new in a great many of the States. In the State of South Carolina in 1828 an amendment to the constitution was adopted providing for the removal of judges in the courts of South Carolina on an address after a hearing, almost in the language of this, by the legislature. But it was limited there that the hearing must be had and the vote must be by a two-thirds majority. That has worked very well for nearly 100 years. Once or twice it was invoked. Once it was invoked in a case of great passion in the State that arose through some passionate political passages before 1860, and the provision for two-thirds prevented the removal of a very distinguished judge who was conceded by everybody afterwards not to have been deserving of any such procedure at all. In other words, you are providing here for the removal of an officer, who is charged with official duties, who is charged with duties that will run him counter to the demand and wishes of a great many of the constituents of Members of Congress, and the time might arise when he might conceive it to be his duty to do that which would

raise a storm of anger in the House of Representatives and sweep away a great many men and cause him to be removed unjustly, whereas if you put the bridle on and say they must have two-thirds vote you are not liable to stampede two-thirds of the House of Representatives or two-thirds of the Senate. I think you had better go carefully about your new method here of removal of an officer of such power and the unpopularity which this officer is going to have. I think we ought to provide in a conservative way for an official determination of whether he is right or whether he is wrong in his decision. That is all I desire to say about it. You are adopting a precedent here which will probably run very smoothly for awhile, but in some time of national paroxysm, in some time of great national excitement, when you need to have the brakes on, you are going to have the brakes off, and the best officer you have in this position will be likely to be humiliated, not because of any wrong he has done but because he has done his duty.

Mr. NORTON. Mr. Chairman, a gentleman rose and took exception to the remark I made that I did not think the people at the present time would be in favor of establishing judges for life and said he himself would be. Let us recall since our Constitution has been adopted there have been many constitutions adopted in the United States in the individual States, but have we one favoring life judges? If the people favored life judges, why did not they put it in their constitutions? Why do not we amend our constitutions to-day by calling constitutional conventions? Why, you never hear men say, "we will establish judges for life." It is not done, and will not be done, because if you gentlemen go home to your people and talk to them about life judges or life officers not a man will say that they want it as in this bill.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. NORTON. In a moment. The gentleman from Ohio said that this was an official office, partly judicial, partly executive, and this the greatest of all offices; I do not pretend to say that is the exact language. Here you are establishing a man in office with more power than any other man outside of the President, even more than a member of his Cabinet, and that man has in his power the control of the expenditures after they have once been appropriated.

You are putting something into that bill that will make it impossible for you to go home to your constituents and say that you are not in favor of a life job. You say it does not create it. What did the chairman of the committee say? When asked the question he said that the concurrent resolution meant the same as a joint resolution, to be passed both by the House and the Senate, and then requiring the signature of the President. How many times in our history have men been removed by requiring these things to be done? It never has been done in the past, and the time will never come when you can remove any man from office that has once been appointed for life.

How often are judges impeached in the United States? How many of you know of occasions where they should be impeached? Talk about having a man impeached! They may have had hearings, but he was not impeached. You can not impeach a man, and you know it. This joint resolution means the same as impeachment, and you are creating an office here for life. Two or three years ago you heard a man who was President talking about making the world safe for democracy, and yet you gentlemen now want to go back to royalty. I say to you, gentlemen on the other side, that you are going square back on the principles of your party, from the first organization of the party, in which it said the power should remain in the people. And you know, as I said in the first place, you are doing it for the only reason that the Republican Party will be responsible for this legislation. You go to the men in the cities and towns and in the country and read them that, and how can you explain it to them, this joint resolution passed by the House of Representatives and the Senate and then to be signed by the President? The impeachment proceedings would mean perpetual retention in office. Gentlemen, you can not afford to do it. No Republican can afford to stand on the Republican platform and favor such an appointment. It never has been done since the adoption of the Constitution. [Applause.]

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from South Carolina [Mr. STEVENSON], which the Clerk will report.

The amendment was again reported.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from Ohio [Mr. NORTON] offered an amendment to strike out section 303. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 304. All powers and duties now conferred or imposed by law upon the Comptroller of the Treasury or the six auditors of the Treasury Department, and the duties of the Division of Bookkeeping and Warrants of the office of the Secretary of the Treasury relating to keeping the personal ledger accounts of disbursing and collecting officers, shall, so far as not inconsistent with this act, be vested in and imposed upon the general accounting office and be exercised without direction from any other officer. The balances certified by the comptroller general shall be final and conclusive upon the executive branch of the Government. The revision by the comptroller general of settlements made by the six auditors shall be discontinued, except as to settlements made before July 1, 1921.

Mr. GOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Good: On page 12, after line 7, insert as a new paragraph the following:

"The administrative examination of the accounts and vouchers of the Postal Service now imposed by law upon the Auditor for the Post Office Department shall be performed on and after July 1, 1921, by a bureau in the Post Office Department to be known as the bureau of accounts, which is hereby established for that purpose. The bureau shall be under the direction of a comptroller, who shall be nominated by the President and appointed by him, by and with the advice and consent of the Senate, and shall receive a salary of \$5,000 a year. The comptroller shall perform the administrative duties now performed by the Auditor for the Post Office Department and such other duties in relation thereto as the Postmaster General may direct. The appropriation of \$5,000 for the salary of the Auditor for the Post Office Department for the fiscal year 1922 is transferred and made available for the salary of the comptroller, bureau of accounts, Post Office Department. The officers and employees of the office of the Auditor for the Post Office Department engaged in the administrative examination of accounts shall become officers and employees of the bureau of accounts at their grades and salaries on July 1, 1921. The appropriations for salaries and for contingent and miscellaneous expenses and tabulating equipment for such office for the fiscal year 1922, and all books, records, documents, papers, furniture, office equipment, and other property shall be apportioned between, transferred to, and made available for the bureau of accounts and the general accounting office, respectively, on the basis of duties transferred."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. BLANTON. That it is not germane to either the bill or the paragraph.

The CHAIRMAN. This is a bill providing for the framing and presentation of estimates and for the auditing of accounts. The Chair is inclined to think that this section is in line with the general purpose, and therefore in order.

Mr. BLANTON. Will the Chair hear me on that?

The CHAIRMAN. Yes.

Mr. BLANTON. Mr. Chairman, the bill is to provide a budget system for the entire Government. It is a bill general in scope. The amendment attempts to provide a different auditing system for the Post Office Department, over which the general auditing system has no surveillance at all. This amendment provides a separate and distinct auditing system for a certain department, irrespective of the general provisions of the bill. It does not provide that it shall be under the jurisdiction of the comptroller general, as all other departments are provided for in this bill, but provides a separate and distinct auditing system for that department and provides for certain machinery for this separate department. I do not see how this amendment, providing for such a separate department, can be considered germane to a general bill providing a budget system intended to cover all departments of the Government.

Mr. CARTER. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. CARTER. I call the gentleman's attention to the fact that this section which we have just reached undertakes to transfer to this accounting department the six auditors in the Treasury Department, one of whom is the Auditor for the Post Office Department. Now, the amendment, as I understood it, presented by the gentleman from Iowa [Mr. Good] simply diverts that office to another channel instead of including it in the bill. It seems to me that it is germane. It deals with one of the six offices which has been included in the paragraph, but simply transfers that to another part of the Government rather than transferring it into this accounting office.

Mr. BLANTON. But from the reading of it, Mr. Chairman, it is not under the direct supervision of the comptroller general.

The CHAIRMAN. Suppose circumstances should exist which would render it desirable that some department or bureau should not be under the comptroller general, might not a bill be framed providing a separate system for making estimates and audits and providing for them?

Mr. BLANTON. It may be, but I call the Chair's attention to the rule which has been sustained by many Chairmen, holding to the effect that concerning such a piece of legislation as this, while it would have been proper in the first instance for the chairman and his committee to have incorporated such an amendment in the bill which they report out and bring before the House, yet after they report the general bill to the House and the House has notice of what they are going to pass upon, it is improper for the committee to propose such a piece of special legislation by amendment on the bill, which otherwise would have been proper when reported by the committee in the bill.

The CHAIRMAN. It is stated here that this shall be under the direction of the comptroller. Would the gentleman from Texas deny that in such a bill as this provision should be made for two comptrollers, providing for the work of the two departments? Suppose that we find that two were required. Should not the bill provide that two persons should perform the duties?

Mr. BLANTON. This bill intends to provide an independent auditing system for all departments of the Government. The amendment proposed by the gentleman from Iowa [Mr. GOOD] seeks to provide a separate system for the Post Office Department and destroys the general purposes of the bill. In other words, the amendment would leave an independent auditing system for all the departments of the Government except the Post Office Department, concerning which it is to have a separate set of auditing machinery.

The CHAIRMAN. Has the gentleman concluded his statement?

Mr. BLANTON. Yes.

Mr. GOOD. Mr. Chairman, a parliamentary inquiry. Has the Chair ruled?

The CHAIRMAN. No. The Chair will be glad to hear from the gentleman from Iowa.

Mr. GOOD. Mr. Chairman, it will be observed that section 304 provides that—

All powers and duties now conferred or imposed by law upon the Comptroller of the Treasury or the six auditors of the Treasury Department and the duties of the Division of Bookkeeping and Warrants of the office of the Secretary of the Treasury relating to keeping the personal ledger accounts of disbursing and collecting officers, shall, so far as not inconsistent with this act, be vested in and imposed upon the general accounting office and be exercised without direction from any other officer. The balances certified by the comptroller general shall be final and conclusive upon the executive branch of the Government. The revision by the comptroller general of settlements made by the six auditors shall be discontinued, except as to settlements made before July 1, 1921.

It is to be observed that this section deals with the transfer of these duties. Now, what the gentleman from Nebraska [Mr. ANDREWS] said is not quite correct. The gentleman, I am afraid, has not carefully followed the reading of the amendment. The amendment provides that only the administrative examination of the accounts and vouchers of the Postal Service shall be transferred to the Post Office Department. We found this situation, and I am frank to say it was a matter that had not been called to the attention of the committee. We did not know and had not realized when we were drawing the provision as to the transfer of all of these duties relating to the final audit over to the accounting office that for one department of the Government—the Post Office Department—the auditor made not only the administrative audit but the final audit.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Nebraska?

Mr. GOOD. Not now.

The CHAIRMAN. The gentleman declines to yield.

Mr. GOOD. Now, all of the other departments make the administrative audit. It would be a crime to take from a department its administrative audit. It would result in greater extravagance than we can conceive of.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes; I yield to the gentleman.

Mr. ANDREWS. Does the gentleman understand that the Postmaster General now makes an administrative audit of the accounts in his department?

Mr. GOOD. The Auditor for the Post Office Department makes an administrative audit of such accounts.

Mr. ANDREWS. Therefore the department must be given the clerical force which the Postmaster General would otherwise have.

Mr. GOOD. And that is all we are giving him.

Mr. ANDREWS. That is all right, providing the other portion of your amendment, which would carry over and leave everything to the Postmaster General, would apply.

Mr. GOOD. The amendment does not carry everything. The appropriations for 1922 for the Auditor for the Post Office Department total \$1,121,020.

Of that sum \$986,750 will go to the Post Office Department for the administrative examination by the bureau of accounts and \$134,270 will go to the general accounting office for the final audit. We propose to put the administrative audit in the Post Office Department, but the final audit, as in every other department, will go to the general accounting office. Here is what will happen if we do not pass this amendment: The final audit of all other departments will have been transferred to the general accounting office; but as far as the Post Office Department is concerned we will also have transferred not only the final audit but the administrative audit. No one intends to do that. It would be unwise to do it. This amendment will simply place the Post Office Department on the same footing as all the other departments of the Government so far as the audit is concerned. When the matter was brought to our attention the question was as to what was the best thing to do. When I found out what the situation was I personally and the other members of the committee believed that we ought not to come before this House and present a piece of legislation that was going to do the very thing that we did not want done, and then come back a little later and say that we had to amend this law in order to make it workable. I will say to the gentleman from Texas [Mr. BLANTON] that it was not with any desire to bring before the committee something new or something that he did not have an opportunity to read, but the only purpose of the amendment is to deal with the Post Office Department with regard to the administrative audit just as the law now fixes the administrative audit of the other departments. The present law does not fix the administrative audit in the Post Office Department, but provides that the auditor for the Post Office Department shall make the administrative audit as well as the final audit.

Mr. BLANTON. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. BLANTON. The gentleman contends, then, that after this administrative audit in the Post Office Department the final audit will be made in the office of the comptroller general.

Mr. GOOD. Absolutely.

Mr. BLANTON. Will the gentleman point out the provision either in the bill or the amendment that proposes that that be done?

Mr. GOOD. The amendment only provides for the administrative audit and nothing else. Then we provide that the office of the Sixth Auditor shall be abolished.

Mr. BLANTON. This does not prevent the final audit being made under the provisions of this bill?

Mr. GOOD. Not at all.

Mr. BLANTON. I withdraw the point of order.

The CHAIRMAN. The gentleman from Texas withdraws the point of order.

Mr. ANDREWS. Will the gentleman permit another suggestion?

Mr. GOOD. Certainly.

Mr. ANDREWS. I concur fully in the wisdom of the amendment providing a force for the Postmaster General to make this audit. He ought to do it, but I fear that the wording of the amendment would leave the final audit with the Postmaster General, and to that extent interfere with the later provision of the bill for the transfer of the final audit to the accounts of the comptroller general.

Mr. GOOD. If the gentleman will examine the provision he will find that it does not do that.

Mr. ANDREWS. A reading of the amendment of course will bring that out.

Mr. GOOD. I have several amendments to follow this one.

The CHAIRMAN. The point of order having been withdrawn, the Chair will hear discussion on the amendment. The gentleman from Minnesota [Mr. STEENERSON] is recognized.

Mr. STEENERSON. Mr. Chairman, I have listened very carefully to the explanation by the chairman of the committee as to why this exception should be made as to the Auditor for the Post Office Department, but I am not able to agree with what he says. It seems to me that department should be treated like all the other departments. There is no reason whatever why it should not.

Mr. ANDREWS. Will the gentleman yield?

Mr. STEENERSON. I yield to the gentleman from Nebraska.

Mr. ANDREWS. Does not this amendment place the Post Office Department on the same plane with all the other departments, and give to it the necessary clerical force to make

the administrative examination as the other departments now do?

Mr. STEENERSON. Then, why do you make this special amendment as to the Auditor for the Post Office Department?

Mr. ANDREWS. Simply because heretofore, as I understand, the Postmaster General has not been supplied with the administrative force to make the examination. This will result in a reduction of the expenditures for the office of the Auditor for the Post Office Department and will carry it over to the Postmaster General.

Mr. STEENERSON. I think the last remark of the gentleman is probably correct, that it will result in increasing the expenditures for the Post Office.

Mr. ANDREWS. No. That is not what I said. It would decrease them.

Mr. STEENERSON. But increase the expenditure for the Post Office. The Appropriations Committee seem to treat the Auditor for the Post Office Department as a very favored child. Against my objection the expenditures for that office have been increased in the last five years. By the establishment of the central accounting system for the different post offices he was relieved of nearly half of his work. He represented to the committee that there would be a great saving in his office. But expenditures there have constantly increased. Now, I think the only reason why this amendment is proposed is that they want to take care of the auditor and of his present organization. It is legislating them out of the office they are now in and legislating them into another, and it is treating them in an exceptional way over and above the forces in all these other departments. Now, the Auditor for the Post Office Department has been the most expensive official of this Government, measured by what he was spending five years ago and what he is spending to-day, when we take into account that he has been relieved of nearly half of the work he used to do by the central accounting system for post offices. Instead of saving there has been increase in expenditures.

Mr. ANDREWS. Will the gentleman yield?

Mr. STEENERSON. Just wait a minute. It is true that the expenditures of the Post Office Department are paid out of postal funds, and it is only when there is a deficit that they draw any money from the Treasury, and that is the only distinction there is between the administration of that office and of the other departments. Now, why they should make an exception of this department and legislate the auditor and all his force into this budget system has not been explained.

Mr. ANDREWS. Will the gentleman permit a question?

Mr. STEENERSON. Yes; just a question.

Mr. ANDREWS. Do the Auditor for the Post Office Department and his clerical force receive their salaries out of the postal revenues?

Mr. STEENERSON. The Auditor for the Post Office Department is supposed to be an official of the Treasury Department.

Mr. ANDREWS. And paid out of appropriations from the Treasury?

Mr. STEENERSON. His salary is paid out of the Treasury.

Mr. ANDREWS. And his force is paid out of the Treasury?

Mr. STEENERSON. It comes out of the United States anyway.

Mr. ANDREWS. But out of the general funds, and not out of the postal funds?

Mr. STEENERSON. I do not say they are paid out of the postal funds, but the expenditure has been increased in the last few years under the management of this auditor, and for that reason it seems to me it would not be wise to take him bodily by this amendment and legislate him into a new position. I think he should be taken care of the same as the auditors in the other departments.

Mr. GOOD. That is the purpose of the amendment.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TEMPLE. Mr. Chairman and gentlemen of the committee, the situation with regard to the audit and administrative examination of accounts in the Post Office Department has been different from that of any other department. We want to make such a change that it will hereafter conform to all the rest of the departments. At present there are 650 persons working at the examination of accounts and the auditing of accounts in the Post Office Department. These are nearly all, with the exception of 10 or 12, employees of the Treasury Department. We propose to create what has hitherto been lacking in the Post Office Department, a bureau for the administrative examination of accounts of that department and to transfer to the Post Office Department 556 of the employees who are now engaged in the work of that department though they are employees of the Treasury Department. We wish also to transfer

to the general accounting office 94 employees who are engaged in actual auditing after the administrative examination of the accounts has been made. The Auditor for the Post Office Department, and all the auditors for other departments, will then be employees of the new general accounting office. That is precisely what this amendment proposes to do.

The Auditor for the Navy Department is not a Navy Department employee; he is an employee of the Treasury Department. The Auditor of the State Department is not an employee of the State Department, but an employee of the Treasury Department. We take all these auditors out of the Treasury Department and put them into the new comptroller's office. We transfer to the Post Office Department 556 employees of the Treasury Department who are now doing the work of the Post Office Department. So it will no longer be an exception. It has been an exception hitherto.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Iowa.

Mr. ANDREWS. Mr. Chairman, may we have the amendment again reported?

The amendment was again reported.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

Sec. 305. Section 236 of the Revised Statutes is amended to read as follows:

"Sec. 236. All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or creditors, shall be settled and adjusted in the general accounting office."

The CHAIRMAN. The Chair desires to call the attention of gentlemen to the fact that the use of the words "United States" as a plural is not according to modern usage.

Mr. GOOD. Mr. Chairman, in doing that we are not changing existing law; we are simply reenacting existing law. Section 236 of the Revised Statutes reads as follows:

All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or creditors, shall be settled and adjusted in the general accounting office.

We have simply substituted general accounting and have taken the exact language of that section.

The CHAIRMAN. In drafting the earlier statutes the practice was not uniform, but in the later statutes it has invariably been used in the singular.

The Clerk read as follows:

Sec. 306. All laws relating generally to the administration of the departments and establishments shall, so far as applicable, govern the general accounting office. Copies of any books, records, papers, or documents, and transcripts from the books and proceedings of the general accounting office, when certified under its seal, shall be admitted as evidence with the same effect as the copies and transcripts referred to in sections 882 and 886 of the Revised Statutes.

Mr. SANDERS of Indiana. Mr. Chairman, I move to strike out the last word for the purpose of calling attention of the chairman to the fact that there is nothing to indicate who is to authenticate these records. Section 886 of the Revised Statutes, referred to, has been amended at two different times. I do not know whether I have found the last amendment or not, but the specific officers are named in this statute. In the last amendment I am able to find the certificate is to be made by the Secretary or Assistant Secretary of the Treasury under the seal of the department. This section merely says that—

Copies of any books, records, papers, or documents, and transcripts from the books and proceedings of the general accounting office, when certified under its seal, shall be admitted as evidence with the same effect as the copies and transcripts referred to in sections 882 and 886 of the Revised Statutes.

There is nothing in the bill that specifically confers upon anyone the authority to authenticate the records. I suggest that, after the word "seal," in line 20, the officer or officers be named who are to authenticate it.

Mr. GOOD. I call the gentleman's attention to section 306, which says:

All laws relating generally to the administration of the departments and establishments shall, so far as applicable, govern the general accounting office.

Mr. SANDERS of Indiana. That does not cure it, because these records will not be certified by the particular officers mentioned in the section. It seems to me that the record should be certified either by the controller general or his assistant.

Mr. ANDREWS. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. ANDREWS. The furnishing of such copies in court proceedings under existing law and practice would go under the seal of the Secretary of the Treasury. The transcript is prepared and the document is certified to by the Secretary under seal of the department. It would appear that if the bill does

not provide that the auditor or the controller general shall have a seal for the purpose it ought to be provided for.

Mr. GOOD. The bill provides for it.

Mr. SANDERS of Indiana. These sections referred to in the bill provide specifically for an officer of the Treasury Department to authenticate it, but the provision in the bill leaves it entirely blank. I do not like to offer an amendment, because the gentleman in charge of the bill knows more about who ought to make the authentication than I do.

Mr. GOOD. If the gentleman will refer to page 15, under paragraph (e), he will find it says:

All official acts performed by such officers or employees specially designated therefor by the comptroller general shall have the same force and effect as though performed by the comptroller general in person.

Mr. SANDERS of Indiana. That does not cover it.

Mr. GOOD. It designates the person.

Mr. SANDERS of Indiana. This section says that they "shall be admitted as evidence with the same effect as the copies and transcripts referred to in sections 882 and 886 of the Revised Statutes." There is nothing to indicate who is to make the authentication or who is to certify to it. May I ask the chairman, in his opinion, what officer would certify to those records?

Mr. GOOD. The comptroller general or the assistant comptroller general, or such officers as may be designated by the comptroller to perform those duties.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. JOHNSON of Mississippi. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for one minute in order that I may ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JOHNSON of Mississippi. Under the law in my State you could not introduce this transcript from the records up here, it makes no difference who would certify to it, so long as the books exist, because the books would be the best evidence. This would be incompetent. If a man in my State were indicted in the Federal court on a charge of embezzlement you could not try and convict him under this rule, because this transcript would not be admissible. The rule in my State is that the books are the best evidence. I merely call the gentleman's attention to that fact.

Mr. SANDERS of Indiana. Mr. Chairman, I shall not offer the amendment if the gentleman from Iowa desires to do so.

Mr. GOOD. Mr. Chairman, I have no objection to inserting after the word "seal," in line 20, page 12, the words "by the comptroller general or assistant comptroller general," and I offer that as an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GOOD: Page 12, line 20, after the word "seal," insert "by the comptroller general or the assistant comptroller general."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 310. The offices of the six auditors shall be abolished, to take effect July 1, 1921. All other officers and employees of these offices shall become officers and employees in the general accounting office at their grades and salaries on July 1, 1921. All books, records, documents, papers, furniture, office equipment, and other property of these offices, and of the Division of Bookkeeping and Warrants, so far as they relate to the work of such division transferred by section 304, shall become the property of the general accounting office. The general accounting office shall occupy temporarily the rooms now occupied by the office of the Comptroller of the Treasury and the six auditors.

Mr. GOOD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. GOOD: Page 13, line 24, after the word "offices," insert "except as otherwise provided herein."

Mr. GOOD. Mr. Chairman, this is simply to have this fit in with the amendment in regard to the administrative audit in the Post Office Department.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 311. (a) The comptroller general shall appoint, remove, and fix the compensation of such attorneys and other employees in the general accounting office as may from time to time be provided for by Congress.

(b) All such appointments, except to positions carrying a salary at a rate of more than \$5,000 a year, shall be made in accordance with the civil-service laws and regulations.

(c) No person appointed by the comptroller general shall be paid a salary at a rate of more than \$6,000 a year, and not more than four persons shall be paid a salary at a rate of more than \$5,000 a year.

(d) All officers and employees of the general accounting office, whether transferred thereto or appointed by the comptroller general, shall perform such duties as may be assigned to them by him.

(e) All official acts performed by such officers or employees specially designated therefor by the comptroller general shall have the same force and effect as though performed by the comptroller general in person.

(f) The comptroller general shall make such rules and regulations as may be necessary for carrying on the work of the general accounting office, including rules and regulations concerning the admission of attorneys to practice.

Mr. ROSSDALE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ROSSDALE: Page 14, line 14, after the word "than," strike out "\$5,000" and insert "\$3,000."

Mr. ROSSDALE. Mr. Chairman, this amendment is not intended to do away with the present established civil service nor to curtail it. It refers to that class of men in the civil service who happily, I might say, are not many. It refers to the higher-priced specialists or executives, the men who occupy very responsible positions. It has nothing to do with the great army of employees in the civil service throughout the United States. It refers to a class of men who receive large salaries, and whom this measure would include in a protective class with the rank and file of ordinary employees. I do not mean to do away with those who really deserve the protection of the civil service, but I do object to the further extension of the civil service to that class of men who get these positions by political preferment and then install and perpetuate themselves and their friends further through the medium of the civil service.

A great many of the Members of the House are familiar with the type to which I refer. They are Democrats when the Democrats are in power and Republicans when the Republicans are in power. They never lose and always are on the winning side. When we go to them they assume a lofty attitude and pretend that they are above politics. Underneath the highly polished departmental veneer which they assume they are in reality hard-boiled gentlemen, men who lack the element of human kindness and seldom have any sympathy with their employees or with those with whom they come in contact, except the few who can be of direct use and benefit to them. They have developed the fine art of refusing to a very high degree. When we go to them for something for a constituent they refuse us in such an exquisitely refined way that we almost thank them, and we do not realize that they are actually refusing us. These men come here and they want to be protected by the civil service. So far as I am concerned, I would not protect them at all. They are well able to take care of themselves, and they generally do, and I object to increasing their tribe any further. The civil service was not intended to include \$5,000 men. The protection that my amendment gives is ample as far as the \$3,000 class are concerned. If this is carried further and to its logical conclusion, why, we might change the Constitution and extend the civil service to the members of the Cabinet, and if we persist and carry the thing further we might just as well bring the civil service in here to apply to the Members of Congress. Does anyone suppose that any civil-service examination could be conceived or devised that would give anyone a fair idea of how to choose an executive or of how to choose a high-priced specialist by any such test? Does the mere knowledge of arithmetic, of spelling, or geography entitle a man to be selected by some such scheme, or is there any other method of examination by which an expert or an executive could be chosen without considering his fitness and ability for the place? I do not think so; and this thing is the usual method to perpetuate departmental executives and their friends still further and to prevent any political party ever having anything to say about it. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, yesterday or the day before the gentleman from Illinois [Mr. WILLIAMS] spoke in a very humorous way about the examination now required of candidates for appointment as rural mail carriers, and what he said met with great applause. Afterwards I heard gentlemen in the lobbies say they did not think there ought to be any examination of these employees; that they could not pass the examination; that it took a scholar to pass it. Now, last year there were 19,000 candidates examined for rural free delivery carriers and 11,000 of them passed the examination. Facts like these are potent arguments when you come to discuss a question of this kind. There is a physical examination of applicants to determine whether they are free from disease, either contagious or of a character that will incapacitate them for the perform-

ance of their duty. This morning, immediately after the gentleman from Indiana [Mr. Woon] made his most remarkable statement, I looked up the utterances of some of our public men on the subject of the evils of the old system. I could not get opportunity to reply to him then, but he began by saying that the civil-service system is a failure as administered to-day. Now, let us see what kind of a system it supplanted. I read from the words uttered in debate in the Senate of the United States by a very distinguished Democrat, Senator Vest, of Missouri.

When I entered the Senate I became chairman of the committee to examine the several branches of the civil service, and for two years I was engaged with the rest of that committee in taking testimony on the subject of civil-service reform. That very great evils exist there can be no sort of question—evils so monstrous, so deadly in their effect, that men of all political parties have come to the conclusion that some remedy must be applied. * * * That evils exist there can be no sort of question. Money has become the great factor in the politics of the United States.

Garfield said on this subject on March 4, 1870:

We press such appointments upon the departments; we crowd the doors; we fill the corridors; Senators and Representatives throng the offices and bureaus until the public business is obstructed; the patience of officers is worn out, and sometimes, for fear of losing their places by our influence, they at last give way and appoint men, not because they are fit for their positions but because we ask it.

Here is what Gen. Grant said in 1870, and I read this as an appeal to Republicans on this side of the Chamber:

The present system does not secure the best men, and often not even fit men, for the public places. The elevation and purification of the civil service of the Government will be hailed with approval by the whole people of the United States.

Senator Bayard, of Delaware, an illustrious Democrat, said in the Senate:

And so things went on until the offices generally were filled under that system, which was false and dangerous in the extreme—a system which, as my friend from Ohio said, is absolutely fatal to the integrity of republican institutions. I care not what party nor under what name it may be organized and carried on.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask for three minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. I wish the gentleman from Indiana would consult the report signed by two men worthy of the respect of Republicans and Democrats—Daniel Webster and John C. Calhoun. They agreed in that report, and said that unless something was done to do away with the old system that some gentlemen have advocated within the last two days, the doom of republican institutions was not difficult to prophesy. Under that system Senator Vest, a great Democrat, said money had become a controlling factor in the politics of the United States.

Mr. LAYTON. Will the gentleman yield for a moment?

Mr. COOPER of Wisconsin. Just a moment. I can not yield, as I have only one more minute. There is only one other thing I wish to say. The gentleman from Indiana [Mr. Woon] said that the civil-service system as now administered is a failure. I deny that. That is an extreme statement. It is not accurate. I was for a year upon the committee which about a year ago concluded its investigation of the whole civil service of this city, except the post office and the navy yard. We examined many scores of witnesses, officials, bureau chiefs, department heads, and a great number of employees. The difficulty to-day is not with the entering into the civil service under the examinations, which now have become practical in character and adapted to the respective positions for which the candidates apply, but it is in the treatment accorded the employees after they get into the service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that the gentleman be given five additional minutes.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Wyoming that the gentleman from Wisconsin be allowed to speak for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Chairman, I thank the gentleman from Wyoming. In reply to the statement made by the gentleman from Indiana [Mr. Woon] I desire to say that the administration of the civil service is not a failure.

Mr. ROSSDALE. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. I can not right now.

Mr. ROSSDALE. The gentleman has five minutes.

Mr. COOPER of Wisconsin. Mr. Chairman, the great difficulty with the civil-service system to-day, as was demonstrated, and more than amply demonstrated, by our investigation, is with the way the employee is treated after he gets into the service.

To-day there is not really any system of employment which can be called an employment system of the United States. To-day there is the greatest inequality of payment for the same service. We were told of one man who got \$1,400, another one \$1,800, another one \$2,600, and one over \$3,000 for performing the same service. Lump-sum appropriations have resulted in scandalous favoritism in the service in this city and throughout the country.

The civil-service system has been so administered as to put countless numbers of employees into blind-alley jobs, where they thought that by laborious service they could secure the promotion which they deserve. But they can not. There is nothing like a regular system of promotion. Man after man, and woman after woman, work like slaves, and when they get to a place in the employ of the Government that appeals to them they find that somebody at the head of some bureau puts another into the place which they have earned. [Applause.]

The fault of the civil-service system is not in the admission of persons into the employ of the Government by the taking of examinations. There used to be too much attention paid to literary subjects and to history. Now the examinations have become really practical. That is proven by the instance I gave of 11,000 who passed the examination for rural carriers out of 19,000. And I do not know how many of the 19,000 may have failed because they had one or the other of the physical defects which are sufficient to bar them under the examination required.

So let us reclassify the positions in order that a person who is appointed as a clerk will know what his duties are. We found as a result of our examination more than 130 different titles for persons who are performing practically the same service. Every conceivable kind of title is given to persons in order to get them a salary. There is not anything like certainty as to what are the duties performed by a clerk. When you look at the title "Clerk of class 1," you do not know what duties he is performing. You do not know what a clerk of class 4 is performing. Change that, reclassify the positions, and reorganize the departments, and then you will have a proper civil-service system. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ROSSDALE], which the Clerk will report.

The amendment was again reported.

The question was taken, and the amendment was rejected.

Mr. SANDERS of Indiana. Mr. Chairman, I offer an amendment, in line 8, page 15, to add, after the word "practice," the words "before such office."

Mr. GOOD. There is no objection to that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SANDERS of Indiana: Page 15, line 8, after the word "practice," insert the words "before such office."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the word "Congress," in line 12, page 14, and insert the word "law."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. COOPER of Wisconsin: Page 14, line 12, strike out the word "Congress" and insert in lieu thereof the word "law."

Mr. COOPER of Wisconsin. Congress can not provide by law for expenditures.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 312. (a) The comptroller-general shall investigate, at the seat of government or elsewhere, all matters relating to the receipt and disbursement of public funds, and shall make to the President when requested by him, and to Congress at the beginning of each regular session, a report in writing of the work of the general accounting office, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt and disbursement of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures.

(b) He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The comptroller-general shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as it may request.

(c) The comptroller-general shall specially report to Congress every expenditure or contract made by any department or establishment in any year in violation of law.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the chairman. I notice that paragraph (b) provides for such investigation and report as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. Is it contemplated that that shall in any way take the place of the Tariff Commission?

Mr. GOOD. No.

Mr. GARRETT of Tennessee. There is no conflict?

Mr. GOOD. The report will not be on subjects of that kind. It will be on the subject of expenditures in the various departments, and it has generally been provided that the committee having to do with the raising of revenue will use all the information that any agency such as this might have at its disposal. I think the general accounting officer will be called upon very, very frequently by the Committee on Appropriations, and seldom by the Committee on Ways and Means.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

Mr. LUCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, line 11, after the word "receipt," strike out the word "and," and after the word "disbursement" insert the words "and application." Also, likewise amend line 18 by striking out the word "and" and, after "disbursement," insert the words "and application."

Mr. LUCE. Mr. Chairman, before addressing myself to the amendment I would add my word of recognition of the very great services rendered to the country by the chairman of this committee, the gentleman from Iowa [Mr. GOOD], in the perfecting of this law. In these days when we give so many honors, decorations, and awards to military heroes it is worth while for an instant to recall that "peace hath her victories no less renowned than war." We regret that the chairman of this committee may soon leave us, but we rejoice that he will carry with him the satisfaction of having attached his name to a piece of constructive legislation desired by all the people, and that shall bring honor to him and to us. [Applause.]

Mr. Chairman, my amendment is very brief, and yet it is vital. It may be that the amendment will receive the approval of the committee, but in any case it will be worth while to take time to set down in the RECORD the meaning of this section. I speak with earnestness in the matter, because I come from a State that has been wrestling with this problem for years and has at last reached a solution which I hope in point of success may be followed in the law before us.

The problem of efficiency in the administration of government is one of the most serious problems confronting the American people. To solve it in my own State we provided first for a commission that should serve in a censoring capacity. After a few years it proved wise to replace the commission by a single commissioner, and we now have one man in Massachusetts whose sole occupation it is to study the efficiency of government administration.

In this bill, if I understand aright the purposes of the committee, it is contemplated that the comptroller general shall perform the same functions; and if I seem to you to have given a superfluous explanation in the matter, it is solely in order that we may get clearly in the RECORD our expectation that this man shall make it his duty, his constant, unrelenting duty—from which he can not escape by any recourse to the language of the bill—his constant, unrelenting duty to search for methods of economy in saving for the Government.

It is in this particular section that we can make this clear. The section was worded, I fear, in a way that might have led some occupant of this office to imagine that his functions were purely clerical; that is, the functions implied by the word "accountant." The words used have the savor of the bookkeeper, of the cashier, of the treasurer, not of the investigator of the way the money is spent, not of the man who goes out and looks for trouble, not of the man who attempts of his own initiative to find places to save money. Therefore I make the suggestion that we add to the words of the cashier and the treasurer and the accountant, namely, "receipt and disbursement," the word "application." If there ever was presented on this floor a single word of amendment which might have a wider extent of usefulness to the people, it has not come to my knowledge.

I hope, sir, that if this is satisfactory to the committee, the chairman may supplement what I say, in order that there never may be any question that we did not mean this man to be simply a bookkeeper, simply a cashier, simply an accountant,

but that we meant him to be our will, our eyes, and our ears, to study and determine and enforce economy. [Applause.]

Mr. GOOD. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. LUCE] for his words of commendation in regard to my work.

When we prepared this bill we thought we had included the idea which the gentleman has incorporated in his amendment. We provide in the latter part of that section, lines 19 to 22, that in the regular reports or in special reports made to Congress from time to time he shall make recommendations for greater economy and efficiency. I have no objection to the words which the gentleman's amendment inserts in this section. It was the intention of the committee that the comptroller general should be something more than a bookkeeper or accountant; that he should be a real critic, and at all times should come to Congress, no matter what the political complexion of Congress or the Executive might be, and point out inefficiency, if he found that money was being misapplied—which is another term for inefficiency—that he would bring such facts to the notice of the committees having jurisdiction of appropriations. Therefore I have no objection at all to the gentleman's amendment. I think it will subserve a useful purpose.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the gentleman from Massachusetts [Mr. LUCE] just what the word "application" means, as distinguished from "disbursement"?

Mr. GOOD. The application of the disbursement, how the money was used, the uses to which it was put, I suppose that is the intention of the gentleman from Massachusetts [Mr. LUCE].

Mr. COOPER of Wisconsin. It does not mean that he himself can direct the application? He reports how it was applied?

Mr. GOOD. No; it does not mean that he can direct the application. He reports whether it was applied efficiently, whether it was wisely spent. He has no power to direct expenditures.

Mr. COOPER of Wisconsin. He does not suggest anything outside of the law?

Mr. LUCE. The purpose, Mr. Chairman, is to make it sure that the comptroller general shall concern himself not simply with taking in and paying out money from an accountant's point of view, but that he shall also concern himself with the question as to whether it is economically and efficiently applied.

The CHAIRMAN. The Clerk will again report the amendment of the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 15, line 11, after the word "receipt," strike out the word "and," and after the word "disbursement" insert the words "and application." Also likewise amend line 18 by striking out, after the word "receipt," the word "and" and inserting after the word "disbursement" the words "and application."

Mr. LUCE. My amendment should have included the insertion of a comma after the word "receipts" in each case.

Mr. STEVENSON. The word "and" followed the word "receipts." It should come after the word "disbursements."

The CHAIRMAN. The Clerk will report it again, including the comma. It was presented to the Clerk in that form.

Mr. LUCE. Mr. Chairman, my meaning in both cases, in order that there may be no question, was to say "receipt, disbursement, and application."

Mr. CAMPBELL of Kansas. Mr. Chairman, may I ask that the Clerk read the clause as it should read?

The CHAIRMAN. The Clerk will report the amendment as it was intended to read.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 15, line 11, after the word "receipt," strike out the word "and" and, after the word "disbursement," insert the words "and application." Also likewise amend line 18 by striking out the word "and" after the word "receipt" and inserting after the word "disbursement" the words "and application," so that as amended the section will read:

"Sec. 312. (a) The comptroller general shall investigate, at the seat of government or elsewhere, all matters relating to the receipt, disbursement, and application of public funds, and shall make to the President when requested by him, and to Congress at the beginning of each regular session, a report in writing of the work of the general accounting office, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt, disbursement, and application of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures."

The CHAIRMAN. It should be borne in mind that there is a comma in both instances after the word "receipt." The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 315. (a) All appropriations for the fiscal year ending June 30, 1922, for the offices of the Comptroller of the Treasury and the six auditors are transferred to and made available for the general accounting office.

(b) During such fiscal year the comptroller general, within the limit of the total appropriations available for the general accounting office, may make such changes in the number and compensation of officers and employees appointed by him or transferred to the general accounting office under this act as may be necessary.

(c) There shall also be transferred to the general accounting office such portions of the appropriations for rent and contingent and miscellaneous expenses, including allotments for printing and binding, made for the Treasury Department for the fiscal year ending June 30, 1922, as are equal to the amounts expended from similar appropriations during the fiscal year ending June 30, 1921, by the Treasury Department for the offices of the Comptroller of the Treasury and the six auditors.

(d) During the fiscal year ending June 30, 1922, the appropriations and portions of appropriations referred to in this section shall be available for salaries and expenses of the general accounting office, including payment for rent in the District of Columbia, traveling expenses, the purchase and exchange of law books, books of reference, and for all necessary miscellaneous and contingent expenses.

Mr. GOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GOOD: Page 17, line 4, after the word "office" insert a comma and the words "except as otherwise provided herein."

Mr. GOOD. Mr. Chairman, this amendment is simply to fit in with the amendment with regard to the new offices created by the amendment relating to the administrative accounts in the Post Office Department.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

The Clerk read as follows:

Sec. 316. The general accounting office shall not be construed to be a bureau or office created since January 1, 1916, so as to deprive employees therein of the additional compensation allowed civilian employees under the provisions of section 6 of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1922, if otherwise entitled thereto.

Mr. GOOD. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GOOD: Page 18, line 3, after the word "office" insert "and the bureau of accounts."

The amendment was agreed to.

The Clerk read as follows:

Sec. 318. This act shall take effect upon its approval by the President: *Provided*, That sections 301 to 315, inclusive, relating to the general accounting office, shall take effect July 1, 1921.

Mr. GOOD. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GOOD: On page 18, line 16, strike out "315" and insert "317"; and in line 17 after "office" insert "and the bureau of accounts."

The amendment was agreed to.

The CHAIRMAN. This completes the reading of the bill. The question is upon agreeing to the text of the House bill as amended, as a substitute for the text of the Senate bill; to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the text of the House bill as amended by the committee.

The motion was agreed to.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BURTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (S. 1084) to provide a national budget system and an independent audit of Government accounts, and for other purposes, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. GOOD. I move the previous question on the bill and amendment to the final passage.

The SPEAKER. The rule orders the previous question. The previous question is ordered. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. JOHNSON of Mississippi. I have a motion to recommit. The SPEAKER. That will come later.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The gentleman from Mississippi [Mr. JOHNSON] offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. JOHNSON of Mississippi moves to recommit the bill to the Select Committee on the Budget, with instructions to report the same back forthwith with the following amendment: On page 11, line 6, after the word "office," strike out "during good behavior," and insert in lieu thereof "for seven years."

Mr. GOOD. I make the point of order that the motion to recommit that has been offered is not in order.

The House has already agreed to the amendment which the gentleman from Mississippi seeks to strike out of the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, I suggest this for the consideration of the Speaker: I think that probably under the holdings, if this was an ordinary procedure, the point might be well taken. But I direct the attention of the Chair to the fact that the rule as reported from the Committee on Rules expressly provides that a motion to recommit should be in order. The report of the Committee on Rules contemplated precisely the course that has been taken, namely, that the House bill was to be substituted for the Senate bill, but notwithstanding that fact it also provided that the motion to recommit should be in order.

The SPEAKER. There can be no doubt but a motion to recommit would be in order.

Mr. GARRETT of Tennessee. But the gentleman from Iowa makes the point of order.

The SPEAKER. On the ground that it seeks to strike out an amendment already adopted by the House.

Mr. GOOD. It strikes out an amendment already agreed to by the House, and the gentleman from Tennessee knows by the well-established rules that never is in order.

Mr. CAMPBELL of Kansas. Mr. Speaker, may I suggest that while the rule provided for one motion to recommit, that motion to recommit must be a motion otherwise in order to the bill?

Mr. JOHNSON of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Mississippi. Can I strike out the 7 years and insert 10 years?

The SPEAKER. That would not change the parliamentary situation. The Chair thinks that under the decisions the point that the gentleman from Iowa makes is unquestioned. The language that the gentleman seeks to strike out has been agreed to as an amendment and that can not be now amended. The gentleman from Tennessee apparently recognizing that fact makes the point that this is different from the ordinary case, because the special rule provides that a motion to recommit should be in order. The Chair assumes that that was done, as it is always done in the special rule, because it is compulsory on the Committee on Rules to put it in, inasmuch as the rules themselves make that provision. It was put in in order to comply with the rule. And the motion to recommit would be in order now.

Mr. WINGO. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WINGO. I do not recall the rule, but, as I understand, the rule made the Senate bill in order, and the Committee of the Whole adopted as one amendment the House bill amended. Is that the status?

The SPEAKER. The rule provided that the House bill should be considered in lieu of the Senate bill as an amendment and should be allowed to be amended. The Chair assumes that the reason of that was that it would prevent the reading of the Senate bill.

Mr. WINGO. That is the point I want to suggest. The rule did not provide, as it might have done, for the consideration of the Senate bill, and then leave it as it might under the rules of the House to an amendment in the nature of a substitute; but the rule provided that the Senate bill should be considered in a certain way—that is, by the consideration of the House bill. I am inclined to think that the Chair is right, although it occurred to me at first that it might make some difference. On reflection I do not think that it would.

The SPEAKER. The Chair sustains the point of order.

Mr. JOHNSON of Mississippi. Mr. Speaker, I move to recommit the bill.

Mr. GOOD. And on that I move the previous question.

Mr. LONGWORTH. Is the gentleman from Mississippi opposed to the bill?

Mr. JOHNSON of Mississippi. I am opposed to the bill.

The SPEAKER. The question is on the previous question. The previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Mississippi to recommit the bill.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. JOHNSON of Mississippi. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Mississippi makes the point of no quorum. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 59, nays 297, not voting 73, as follows:

YEAS—59.

Almon	Drane	Larsen, Ga.	Rouse
Aswell	Drewry	Lee, Ga.	Sabath
Bell	Driver	London	Sanders, Tex.
Black	Flood	Lowrey	Sears
Blanton	Fulmer	McClintic	Smithwick
Bowling	Goldsborough	McDuffie	Stedman
Briggs	Hammer	McSwain	Stevenson
Brinson	Hardy, Tex.	Montague	Summers, Tex.
Buchanan	Huddleston	Norton	Swank
Bulwinkle	Hudspeth	Overstreet	Tyson
Carew	Johnson, Miss.	Park, Ga.	Upshaw
Carter	Jones, Tex.	Parks, Ark.	Weaver
Connally, Tex.	Kunz	Pou	Wingo
Cullen	Lanham	Quin	Wright
Davis, Tenn.	Lankford	Rankin	

NAYS—297.

Ackerman	Fenn	Lazaro	Rodenberg
Andrews	Fess	Lee, N. Y.	Rogers
Anthony	Fish	Lehlbach	Rose
Arentz	Fisher	Lineberger	Rosenbloom
Atkeson	Fitzgerald	Linthicum	Rossdale
Bacharach	Focht	Little	Ryan
Bankhead	Foster	Longworth	Sanders, Ind.
Barbour	Frear	Luce	Sanders, N. Y.
Barkley	Free	Lufkin	Sandlin
Beck	French	Luhning	Schall
Beedy	Frothingham	McArthur	Scott, Mich.
Benham	Funk	McCormick	Scott, Tenn.
Bixler	Gallivan	McFadden	Shaw
Bland, Ind.	Garner	McKenzie	Shelton
Bland, Va.	Garrett, Tenn.	McLaughlin, Mich.	Shreve
Boles	Garrett, Tex.	McLaughlin, Nebr.	Siegel
Bond	Gensman	McLaughlin, Pa.	Sinclair
Bowers	Gerner	McPherson	Sinnot
Box	Glynn	MacGregor	Slemp
Brand	Good	Madden	Smith
Brennan	Gorman	Magee	Snell
Brooks, Ill.	Graham, Ill.	Maloney	Speaks
Brooks, Pa.	Green, Iowa	Mansfield	Sproul
Brown, Tenn.	Greene, Mass.	Mapes	Stafford
Burdick	Greene, Vt.	Martin	Steenserson
Burroughs	Griest	Merritt	Stephens
Burtness	Griffin	Michaelson	Strong, Kans.
Burton	Hadley	Michener	Summers, Wash.
Butler	Hardy, Colo.	Miller	Sweet
Byrnes, S. C.	Harrison	Mills	Swing
Byrnes, Tenn.	Hawes	Millsbaugh	Taylor, Colo.
Cable	Hawley	Mondell	Taylor, N. J.
Campbell, Kans.	Hayden	Montoya	Taylor, Tenn.
Campbell, Pa.	Hays	Moore, Ill.	Temple
Cannon	Herrick	Moore, Ohio	Ten Eyck
Cantrill	Hersey	Moore, Va.	Thompson
Chalmers	Hickey	Moore, Ind.	Tillman
Chandler, Okla.	Hicks	Morgan	Tilson
Chindblom	Hill	Mott	Timberlake
Christopherson	Himes	Mudd	Tincher
Clague	Hoch	Murphy	Tinkham
Clarke, N. Y.	Houghton	Nelson, A. P.	Towner
Classon	Hull	Nelson, J. M.	Treadway
Clouse	Humphreys	Newton, Minn.	Underhill
Cole	Husted	Nolan	Vaile
Collier	Hutchinson	O'Brien	Vestal
Collins	Ireland	Ogden	Vinson
Colton	James, Mich.	Oliver	Voigt
Connell	Jeffers	Olpp	Voik
Connolly, Pa.	Johnson, Ky.	Osborne	Volstead
Cooper, Ohio	Johnson, S. Dak.	Paige	Walsh
Cooper, Wis.	Johnson, Wash.	Parker, N. J.	Walters
Coughlin	Jones, Pa.	Parker, N. Y.	Ward, N. Y.
Crisp	Kearns	Parrish	Ward, N. C.
Curry	Keller	Patterson, Mo.	Wason
Dale	Kelly, Mich.	Patterson, N. J.	Watson
Dallinger	Kendall	Perlman	Webster
Darrow	Ketcham	Peters	Wheeler
Davis, Minn.	Kiess	Petersen	White, Kans.
Deal	Kincheloe	Porter	White, Me.
Denison	Kindred	Pringley	Williams
Dickinson	King	Purnell	Williamson
Dominick	Kinkaid	Radcliffe	Wilson
Dowell	Raker	Ramsayer	Winslow
Dunbar	Kirkpatrick	Ransley	Wood, Ind.
Dyer	Kissel	Reavis	Woodruff
Echols	Kiecza	Reece	Woods, Va.
Edmonds	Kline, N. Y.	Reed, N. Y.	Woodyard
Elliott	Knutson	Rhodes	Wurzbach
Ellis	Elston	Ricketts	Wyant
Evans	Fairfield	Riddick	Young
Faust	Favrot	Roach	Zihlman
		Robertson	
		Robison	
		Rodenberg	
		Rogers	
		Rose	
		Rosenbloom	
		Rossdale	
		Rouse	
		Ryan	
		Sabath	
		Sanders, Ind.	
		Sanders, N. Y.	
		Sanders, Tex.	
		Sandlin	
		Schall	

NOT VOTING—73.

Anderson	Bird	Burke	Codd
Ansorge	Blakeney	Chandler, N. Y.	Copley
Appleby	Britten	Clark, Fla.	Cramton
Begg	Browne, Wis.	Cockran	Crowther

Dempsey	Hogan	Mann	Sisson
Doughton	Hukriede	Mason	Snyder
Dunn	Jacoway	Mead	Steagall
Dupré	James, Va.	Morin	Stiness
Fairchild	Kahn	Newton, Mo.	Stoll
Fields	Kennedy	O'Connor	Strong, Pa.
Fordney	Kitchin	Oldfield	Sullivan
Freeman	Knight	Padgett	Tague
Fuller	Kreider	Perkins	Thomas
Gahn	Lampert	Rainey, Ala.	Vare
Gilbert	Langley	Rayburn	Wise
Goodykoontz	Lea, Calif.	Reber	Yates
Gould	Leatherwood	Reed, W. Va.	
Graham, Pa.	Logan	Riordan	
Haugen	Lyon	Rucker	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. GRAHAM of Pennsylvania with Mr. RIORDAN.

Mr. NEWTON of Missouri with Mr. SISSON.

Mr. BLAKENEX with Mr. DUPRE.

Mr. FORDNEY with Mr. COCKRAN.

Mr. KNIGHT with Mr. STEAGALL.

Mr. KREIDER with Mr. LYON.

Mr. YATES with Mr. MEAD.

Mr. STRONG of Pennsylvania with Mr. RAYBURN.

Mr. VARE with Mr. LEA of California.

Mr. BIRD with Mr. O'CONNOR.

Mr. KAHN with Mr. TAGUE.

Mr. REED of West Virginia with Mr. RUCKER.

The result of the vote was announced as above recorded.

The question is on the passage of the bill.

Mr. GOOD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 344, nays 9, not voting 76, as follows:

YEAS—344.

Ackerman	Davis, Minn.	Hutchinson	Michener
Almon	Davis, Tenn.	Ireland	Miller
Andrews	Deal	James, Mich.	Mills
Anthony	Denison	Jeffers	Millsbaugh
Arentz	Dickinson	Johnson, Ky.	Mondell
Aswell	Dominick	Johnson, S. Dak.	Montoya
Atkeson	Dowell	Johnson, Wash.	Moore, Ill.
Bacharach	Drane	Jones, Pa.	Moore, Ohio
Barbour	Drewry	Jones, Tex.	Moore, Va.
Barkley	Dunbar	Kearns	Moore, Ind.
Beck	Dyer	Keller	Morgan
Beedy	Edmonds	Kelly, Mich.	Mott
Benham	Ellis	Kelly, Pa.	Mudd
Bixler	Elston	Kendall	Murphy
Black	Evans	Ketcham	Nelson, A. P.
Bland, Ind.	Fairfield	Kiess	Nelson, J. M.
Bland, Va.	Faust	Kincheloe	Newton, Minn.
Blanton	Favrot	Kindred	Nolan
Boles	Fenn	King	O'Brien
Bond	Fess	Kinkaid	Ogden
Bowers	Fish	Kirkpatrick	Oldfield
Bowling	Fisher	Kissel	Oliver
Box	Fitzgerald	Kiecza	Olpp
Brand	Flood	Kline, N. Y.	Osborne
Brennan	Focht	Kline, Pa.	Overstreet
Briggs	Foster	Knutson	Paige
Brinson	Frear	Kopp	Park, Ga.
Brooks, Ill.	Free	Kraus	Parker, N. J.
Brooks, Pa.	French	Kunz	Parker, N. Y.
Brown, Tenn.	Frothingham	Lanham	Parks, Ark.
Buchanan	Fulmer	Lankford	Parrish
Bulwinkle	Funk	Larsen, Ga.	Patterson, Mo.
Burdick	Gallivan	Larson, Minn.	Patterson, N. J.
Burroughs	Garner	Lawrence	Perlman
Burtness	Garrett, Tenn.	Lazaro	Peters
Burton	Garrett, Tex.	Leatherwood	Petersen
Byrnes, S. C.	Gensman	Lee, Ga.	Porter
Byrnes, Tenn.	Gerner	Lee, N. Y.	Pou
Cable	Glynn	Lehlbach	Pringley
Campbell, Kans.	Goldsborough	Lineberger	Purnell
Campbell, Pa.	Good	Linthicum	Quin
Cannon	Gorman	Little	Radcliffe
Cantrill	Graham, Ill.	London	Raker
Carter	Green, Iowa	Longworth	Ramsayer
Chalmers	Greene, Mass.	Lowrey	Rankin
Chandler, N. Y.	Greene, Vt.	Luce	Ransley
Chindblom	Griest	Lufkin	Reavis
Christopherson	Griffin	Luhning	Reece
Clague	Hadley	McArthur	Reed, N. Y.
Clarke, N. Y.	Hammer	McClintic	Rhodes
Classon	Hardy, Colo.	McCormick	Ricketts
Clouse	Harrison	McDuffie	Riddick
Cole	Hawes	McFadden	Roch
Collier	Hayden	McKenzie	Robertson
Collins	Hays	McLaughlin, Mich.	Robison
Colton	Herrick	McLaughlin, Nebr.	Rodenberg
Connell	Hersey	McLaughlin, Pa.	Rogers
Connolly, Pa.	Hickey	McPherson	Rose
Cooper, Wis.	Hicks	MacSwain	Rosenbloom
Coughlin	Hill	MacGregor	Rossdale
Crisp	Himes	Madden	Rouse
Curry	Hoch	Maloney	Ryan
Dale	Houghton	Mansfield	Sabath
Dallinger	Huddleston	Mapes	Sanders, Ind.
Darrow	Hull	Mead	Sanders, N. Y.
	Humphreys	Merritt	Sanders, Tex.
	Husted	Michaelson	Sandlin
			Schall

Scott, Mich.	Stephens	Tinkham	Webster
Scott, Tenn.	Stevenson	Towner	Wheeler
Sears	Strong, Kans.	Treadway	White, Kans.
Shaw	Summers, Wash.	Underhill	White, Me.
Shelton	Summers, Tex.	Upshaw	Williams
Shreve	Swank	Vaile	Williamson
Siegel	Sweet	Vestal	Wilson
Sinclair	Swing	Vinson	Wingo
Sinnott	Taylor, Colo.	Voigt	Winslow
Slemp	Taylor, N. J.	Volk	Wood, Ind.
Smith	Taylor, Tenn.	Volstead	Woodruff
Smithwick	Temple	Walsh	Woods, Va.
Snell	Ten Eyck	Walters	Woodyard
Speaks	Thompson	Ward, N. Y.	Wright
Sprout	Tillman	Ward, N. C.	Wurzbach
Stafford	Tilson	Wason	Wyant
Stedman	Timberlake	Watson	Young
Steenerson	Tincher	Weaver	Zihlman

NAYS—9.

Carew	Hardy, Tex.	Johnson, Miss.	Norton
Connally, Tex.	Hudspeth	Montague	Tyson
Cullen			

NOT VOTING—76.

Anderson	Driver	James, Va.	Perkins
Ansorge	Dunn	Kahn	Rainey, Ala.
Appleby	Dupré	Kennedy	Rayburn
Bankhead	Echols	Kitchin	Reber
Begg	Fairchild	Knight	Reed, W. Va.
Bird	Fields	Kreider	Riordan
Blakeney	Fordney	Lampert	Rucker
Britten	Freeman	Langley	Sisson
Browne, Wis.	Fuller	Layton	Snyder
Burke	Gahn	Lea, Calif.	Steagall
Clark, Fla.	Gilbert	Logan	Stinness
Cockran	Goodykoontz	Lyon	Stoll
Codd	Gould	Mann	Strong, Pa.
Cooper, Ohio	Graham, Pa.	Martin	Sullivan
Copley	Haugen	Mason	Tague
Cramton	Hawley	Morin	Thomas
Crowther	Hogan	Newton, Mo.	Vare
Dempsey	Hukriede	O'Connor	Wise
Doughton	Jacoway	Padgett	Yates

So the bill was passed.

The Clerk announced the following additional pairs:

On the vote:

Mr. GRAHAM of Pennsylvania (for) with Mr. YATES (against).

Additional pairs:

Mr. COOPER of Ohio with Mr. BANKHEAD.

Mr. FREEMAN with Mr. DRIVER.

Mr. COPLEY with Mr. RIORDAN.

Mr. ECHOLS with Mr. LOGAN.

Mr. HAWLEY with Mr. MARTIN.

Mr. HAWLEY. Mr. Speaker, is this on the motion to re-commit?

The SPEAKER. No; on the passage of the bill.

Mr. HAWLEY. I did not hear the bell; I was not in the Hall.

The result of the vote was announced as above recorded.

Mr. GOOD. Mr. Speaker, I move that the House request a conference with the Senate on the amendment to the bill.

The SPEAKER. The gentleman from Iowa moves that the House request a conference with the Senate on the amendment to the bill. Is there objection?

There was no objection.

The SPEAKER announced the following conferees on the part of the House:

Mr. GOOD, Mr. CAMPBELL of Kansas, Mr. MADDEN, Mr. BYRNS of Tennessee, and Mr. GARNER.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PERKINS, for three days, on account of illness in family.

To Mr. BIRD, indefinitely, on account of sickness in family.

To Mr. LEA of California, for five days, on account of illness.

To Mr. RAMSEYER, for two days, on account of important business.

To Mr. BROWNE of Wisconsin (at request of Mr. FREAR), indefinitely, on account of sickness.

To Mr. SISSON, indefinitely, on account of illness.

WITHDRAWAL OF PAPERS.

Mr. FESS, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of George C. Jenkins, H. R. 3609, Sixty-fifth Congress, and H. R. 15661, Sixty-fourth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until Friday, May 6, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

100. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation in the sum of \$1,000 required for the payment of a judgment against the District of Columbia (H. Doc. No. 66); to the Committee on Appropriations and ordered to be printed.

101. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation in the sum of \$4,050 required by the Treasury Department in connection with the handling of surety bonds (H. Doc. No. 67); to the Committee on Appropriations and ordered to be printed.

102. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation in the sum of \$41,820 required by the Post Office Department for salaries in the office of the Postmaster General in connection with the distribution, sale, and keeping of accounts of war-savings certificates and thrift stamps, fiscal year 1922 (H. Doc. No. 68); to the Committee on Appropriations and ordered to be printed.

103. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation in the sum of \$65,000 required by the Department of the Interior for repairs to the old General Land Office Building, fiscal year 1922 (H. Doc. No. 69); to the Committee on Appropriations and ordered to be printed.

104. A letter from the Secretary of the Treasury, transmitting a paragraph of proposed legislation authorizing the payment of certain bills for advertising incurred by the Public Health Service; to the Committee on Claims.

105. A letter from the Secretary of Labor, transmitting draft of proposed legislation for the relief of Louis Weinberger; to the Committee on Expenditures in the Department of Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follow:

Mr. McCORMICK, from the Committee on the Public Lands, to which was referred the bill (H. R. 2428) granting certain lands to Converse County, Wyo., for a public park, reported the same with an amendment, accompanied by a report (No. 45), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SUTHERLAND, from the Committee on the Territories, to which was referred the bill (H. R. 5222) to provide for the retention by the Government of the property in Seward, Alaska, known as the Alaska Northern Railway office building, and its use for court purposes, reported the same without amendment, accompanied by a report (No. 46), which said bill and report were referred to the House Calendar.

Mr. WEBSTER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 3018) granting the consent of Congress to H. H. Haynes to construct a dike across Mud Slough, on Isthmus Inlet, in section 23, township 26 south, range 13 west of Willamette meridian, in Oregon, reported the same with an amendment, accompanied by a report (No. 47), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 5823) providing for establishing shooting grounds for the public, for the establishing of game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them; to the Committee on Agriculture.

By Mr. KAHN: A bill (H. R. 5824) to vacate and close certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 5825) to amend section 12, paragraph 7, of the act approved July 17, 1916, known as the Federal farm loan act, and also to permit the Secretary of the Treasury, in his discretion, to use not to exceed in the aggregate \$100,000,000 of the net earnings to be derived by the United States from the Federal reserve banks during the years 1921, 1922, and 1923, the same being the earnings accrued and accruing during the years 1920, 1921, and 1922, as hereinafter provided, said sums to be deposited in the various Federal loan

banks to be loaned upon agricultural products, live stock, wool, and mohair; to the Committee on Banking and Currency.

By Mr. BRITTEN: A bill (H. R. 5826) authorizing the construction of airplane carriers for the Naval Establishment of the United States and revoking authority for the construction of certain other vessels; to the Committee on Naval Affairs.

By Mr. KAHN: A bill (H. R. 5827) to authorize the Secretary of War, in his discretion, to make available for exchange, with foreign nations desiring same, certain samples of arms and equipment in use by the Army of the United States; to the Committee on Military Affairs.

By Mr. KINCHELOE: A bill (H. R. 5828) to increase the limit of cost for the United States Public Health Sanatorium at Dawson Springs, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. REECE: A bill (H. R. 5829) to provide for the erection of a public building at Erwin, Unicoi County, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH: A bill (H. R. 5830) to provide for the extension of the Federal building at Pocatello, Idaho; to the Committee on Public Buildings and Grounds.

By Mr. MASON (by request): A bill (H. R. 5831) to regulate the payment of fares to licensed drivers of public vehicles operated for hire in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 5832) to amend paragraph 10 of section 127a of the act entitled "An act to amend an act entitled 'An act for making further and more effective provisions for the national defense, and for other purposes,' approved June 4, 1920; to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 5833) authorizing the construction of an airplane carrier for the Navy of the United States; to the Committee on Naval Affairs.

By Mr. BRINSON: A bill (H. R. 5834) to enlarge and extend the post-office building at Goldsboro, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. J. M. NELSON: A bill (H. R. 5835) to increase the limit of cost for the proposed new Federal building at Madison, Wis., and the site thereof; to the Committee on Public Buildings and Grounds.

By Mr. MURPHY: A bill (H. R. 5836) providing for the purchase of a site and the erection thereon of a public building at Toronto, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. FESS: A bill (H. R. 5837) to establish a department of public welfare, and for other purposes; to the Committee on Education.

By Mr. CABLE: A bill (H. R. 5838) to create an emergency board, consisting of the comptroller general, the chairman of the Appropriations Committee of the Senate, and the chairman of the Appropriations Committee of the House, to pass upon all emergency appropriations; to the Committee on the Judiciary.

By Mr. LEHLBACH: Resolution (H. Res. 81) providing for investigation in connection with the installing in the House of Representatives of electrical apparatus for registering roll calls and votes; to the Committee on Accounts.

By Mr. KAHN: Joint resolution (H. J. Res. 105) to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction or commission into the service was not, through no fault of their own, formally completed on or prior to November 11, 1918, and for other purposes; to the Committee on Military Affairs.

By Mr. CABLE: Joint resolution (H. J. Res. 106) authorizing the Secretary of War to loan cots and blankets for the use of the Grand Army of the Republic at the Ohio State encampment, to be held in Greenville, Ohio, in June, 1921; to the Committee on Military Affairs.

By Mr. KINDRED: Joint resolution (H. J. Res. 107) declaring that a state of peace exists between the United States and Germany; to the Committee on Foreign Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 1717) granting an increase of pension to Agnes B. Earl, and the same was referred to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 5839) to renew and extend certain letters patent; to the Committee on Patents.

By Mr. CAMPBELL of Kansas: A bill (H. R. 5840) granting a pension to Martin L. Ames; to the Committee on Pensions.

By Mr. DALLINGER: A bill (H. R. 5841) granting an increase of pension to M. Isabel Peirce; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 5842) granting an increase of pension to Emma C. Blackshear; to the Committee on Pensions.

By Mr. EDMONDS: A bill (H. R. 5843) for the relief of Raymond A. Parsons; to the Committee on Claims.

By Mr. FISHER: A bill (H. R. 5844) for the relief of the legal representatives of Enoch Ensley, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5845) to carry out the findings of the Court of Claims in the case of Thomas J. Hunt, surviving partner of Mosby & Hunt; to the Committee on Claims.

Also, a bill (H. R. 5846) to carry out the findings of the Court of Claims in the case of W. W. Goodwin, receiver of the Bank of West Tennessee; to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 5847) for the relief of George W. Bard; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 5848) authorizing the Secretary of War to donate to Belding, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. GOLDSBOROUGH: A bill (H. R. 5849) for the relief of William J. Harris; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 5850) granting an increase of pension to Mary L. H. Brodie; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 5851) for the relief of John Webster Haynes; to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 5852) for the relief of James M. Winston; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 5853) authorizing payment to certain Red Lake Indians, out of Chippewa Indian funds, for garden plats surrendered for school-farm use; to the Committee on Indian Affairs.

Also, a bill (H. R. 5854) granting an increase of pension to Carrie Smart; to the Committee on Invalid Pensions.

By Mr. LANKFORD: A bill (H. R. 5855) authorizing the Secretary of War to donate one German cannon to certain cities in Georgia; to the Committee on Military Affairs.

By Mr. MacGREGOR: A bill (H. R. 5856) granting a pension to Emma M. McIntyre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5857) to provide for the retirement of Thaddeus B. Glover, now chief clerk in the Quartermaster Corps, as a warrant officer in the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 5858) granting a pension to Julia B. Leibrich; to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 5859) granting a pension to Dan Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5860) authorizing the Secretary of the Treasury to pay war-risk insurance to the mother of Harry G. Healy; to the Committee on Claims.

By Mr. MEAD: A bill (H. R. 5861) granting a pension to Josephine Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5862) granting a pension to Emily Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5863) granting a pension to Jane N. Ashley; to the Committee on Invalid Pensions.

By Mr. MICHAELSON: A bill (H. R. 5864) for the relief of Soren Jensen; to the Committee on Claims.

By Mr. MORGAN: A bill (H. R. 5865) granting a pension to Laura C. Kinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5866) granting an increase of pension to Elizabeth H. Williams; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 5867) granting an increase of pension to Annis Lavera Hastings; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 5868) granting a pension to Hugh G. Smelcer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5869) for the relief of George B. Robinson; to the Committee on Military Affairs.

Also, a bill (H. R. 5870) granting a pension to Benjamin Hammonds; to the Committee on Pensions.

By Mr. ROSENBLOOM: A bill (H. R. 5871) for the relief of Barbara Kurner; to the Committee on Claims.

By Mr. ROSSDALE: A bill (H. R. 5872) authorizing the Secretary of War to donate to the Salvation Army Training College, Morris Heights, New York City, two German cannons or fieldpieces; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 5873) for the relief of Marion Banta; to the Committee on Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 5874) granting an increase of pension to Carrie Lourenia Briney; to the Committee on Invalid Pensions.

By Mr. VOIGT: A bill (H. R. 5875) granting a pension to Edward Kirchen; to the Committee on Pensions.

Also, a bill (H. R. 5876) granting a pension to Edward Frank; to the Committee on Pensions.

Also, a bill (H. R. 5877) granting an increase of pension to George W. Brasure; to the Committee on Pensions.

Also, a bill (H. R. 5878) granting an increase of pension to Daniel Smith; to the Committee on Pensions.

Also, a bill (H. R. 5879) granting a pension to Catherine Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5880) granting a pension to Irene Sullivan Kehrmeier; to the Committee on Pensions.

Also, a bill (H. R. 5881) granting a pension to Oscar Neumeister; to the Committee on Pensions.

By Mr. WALSH: A bill (H. R. 5882) granting an increase of pension to Mary J. Beard; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

486. By Mr. CULLEN: Petition of the Sisterhood of the Progressive Synagogue, against the expenditure involving war; to the Committee on Expenditures in the War Department.

487. By Mr. DARROW: Resolutions of the Women's Auxiliary, William P. Roche Post, No. 21, the American Legion; the Women's Auxiliary, James J. Barry Post, No. 83; and the Louis Howard Fielding Post, No. 41, Philadelphia, Pa., in behalf of legislation for the relief of disabled soldiers; to the Committee on Ways and Means.

488. By Mr. FUNK: Petition of the Bloomington (Ill.) Automobile Dealers' Association and McLean County Automobile Club, protesting against further burdening of the industry with new tax program which demands doubling of war tax, placing 50 cents per horsepower tax on automobiles and 2 cents per gallon tax on gasoline, which would mean increased tax burden of \$290,000,000 annually and would offer such sales resistance that progress of the automobile industry would be seriously retarded; to the Committee on Ways and Means.

489. By Mr. GALLIVAN: Petition of the George Park Custis Council, American Association for the Recognition of the Irish Republic, by William P. Costello, 11 Chelmsford Street, Dorchester, Mass., protesting against the treatment of the people in Ireland by the British Government and urging the recognition of the Irish republic by the United States Government; to the Committee on Foreign Affairs.

490. By Mr. GARRETT of Tennessee: Petition of citizens of Alton Park, Tenn., protesting against the passage of the sales tax law, etc.; to the Committee on Ways and Means.

491. By Mr. GILLET: Petition of the Unity Center of New Thought, Springfield, Mass., against the present naval bill; also large standing Army; to the Committee on Naval Affairs.

492. By the SPEAKER (by request): Petition of Mrs. R. J. Wondra and numerous other citizens of Massachusetts, favoring recognition of Ireland; to the Committee on Foreign Affairs.

493. By Mr. GRIEST: Petition of Chester L. Deichler and others, urging the adoption by Congress of the resolution providing the enforcement of the marriage and divorce laws; to the Committee on the Judiciary.

494. Also, petition of S. H. Kitch and others, urging the enactment of legislation protecting Sunday in the District of Columbia from commercialism; to the Committee on the District of Columbia.

495. By Mr. KISSEL: Petition of I. G. Jennings, Glass Container Association, New York City, opposing the passage of H. R. 4981; to the Committee on Agriculture.

496. By Mr. MACGREGOR: Petition of Nicholas Trojanosky and others, regarding the case of East Galicia; to the Committee on Foreign Affairs.

497. By Mr. MORGAN: Petition of the Lemert Post, No. 71, Grand Army of the Republic, Felix R. Robertson, commander, 35 Boner Street, Newark, Ohio, asking minimum pensions of \$72 per month for every surviving Civil War soldier and a minimum pension of \$50 per month for Civil War widows; to the Committee on Invalid Pensions.

498. By Mr. MORIN: Petition of the Emory Brotherhood Bible Class, Emory Methodist Episcopal Church, A. B. Brown, secretary, of Pittsburgh, Pa., urging all honorable means be used to prevent the change or nullification of the Volstead Act; to the Committee on the Judiciary.

499. By Mr. NEWTON of Minnesota: Petition of sundry citizens of Minneapolis, urging the Congress of the United States to take the necessary action toward recognition of the republic of Ireland; to the Committee on Foreign Affairs.

500. Also, resolution of the Minnesota State Young Men's Christian Association, on behalf of disabled soldiers, sailors, and marines; to the Committee on Interstate and Foreign Commerce.

501. Also, petition of Mrs. Sophie Kenyon on behalf of sundry citizens of Minneapolis, Minn., opposing passage of Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

502. By Mr. RAKER: Resolution of the Northern California Hotel Association, indorsing the McFadden gold excise bill and urging its passage; to the Committee on Ways and Means. Letter from Lillie Archer, chairman United Spanish War Veterans' Auxiliary, indorsing Senate bill 4596, to pension soldiers, sailors, and nurses of the War with Spain and their dependents; to the Committee on Pensions. Letter from F. E. Booth Co., of San Francisco, Calif., urging a high protective tariff to protect the California fish-oil industry; to the Committee on Ways and Means.

503. By Mr. SINCLAIR: Petition of the Brotherhood of Locomotive Engineers, Minot, N. Dak., protesting against the sales tax; to the Committee on Ways and Means.

504. By Mr. SNYDER: Petition of Kinkaid Division 150, Order of Railway Conductors, Utica, N. Y., against the repeal of the excess-profit tax; also the substitute therefore of the sales tax; to the Committee on Ways and Means.

505. By Mr. TEMPLE: Petition of the Glass Bottle Blowers' Association No. 53, McDonald, Pa., against the enactment of a sales tax; to the Committee on Ways and Means.

506. By Mr. TINKHAM: Petition of the Congregation Shara Tfilo, Roxbury, Mass., protesting on restriction of immigration, etc.; to the Committee on Immigration and Naturalization.

507. Also, petition of the New England Evangelical Association, convening at Lowell, Mass., urging the passage of the Smith-Towner bill; to the Committee on Education.

508. Also, petition of the Mid-City Citizens' Association of Boston, Mass., urging the passage of House bill 2249; to the Committee on the District of Columbia.

509. Also, petition of the convention of the Diocesan House, Boston, Mass., urging disarmament; to the Committee on Foreign Affairs.

510. By Mr. THOMPSON: Petition of the Edward C. Smart Post, No. 223, American Legion, Hicksville, Ohio, urging appropriate legislation for the relief of disabled soldiers; to the Committee on Interstate and Foreign Commerce.

511. By Mr. YATES: Petition of John H. More, Chicago, Ill., urging the early passage of House bill 28, providing for the payment of certain longevity claims to United States Army officers; to the Committee on the Judiciary.

SENATE.

FRIDAY, May 6, 1921.

(Legislative day of Wednesday, May 4, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harrison	Moses	Simmons
Ball	Heflin	Myers	Smoot
Broussard	Hitchcock	Nelson	Spencer
Bursum	Johnson	New	Stanfield
Calder	Jones, Wash.	Nicholson	Stanley
Capper	Kellogg	Norbeck	Sterling
Caraway	Kendrick	Norris	Sutherland
Culberson	Kenyon	Oddie	Swanson
Cummins	Keyes	Overman	Townsend
Curtis	King	Penrose	Trammell
Dillingham	Knox	Phipps	Underwood
Fernald	Ladd	Pittman	Wadsworth
Fletcher	La Follette	Poindexter	Walsh, Mass.
France	Lenroot	Pomerene	Walsh, Mont.
Gerry	McCormick	Ransdell	Warren
Glass	McCumber	Reed	Watson, Ind.
Gooding	McKellar	Robinson	Williams
Hale	McKinley	Sheppard	Willis
Harrell	McLean	Shields	
Harris	McNary	Shortridge	

Mr. CURTIS. I wish to announce that the Senator from Kentucky [Mr. ERNST] is absent on account of illness in his family.

The PRESIDENT pro tempore. Seventy-eight Senators have answered to their names. A quorum is present.